

No Longer Exempt: Higher Education's Entrée into Lobbying

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Abstract

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As populist forces stretch apart higher education and government, colleges lobby in measurable ways to secure scarce funding and respond to accountability regulations. The non-profit and corporate lobbying literature provides a basis of comparison to ask if colleges lobby like corporations, which have been successful lobbyists under challenging conditions. This study shows the connection between federal governmental funding and higher education lobbying by drawing on a newly-created database of 2,000 B.A.-granting institutions of higher education from 2004-2014, and explores the rationales and tactics of higher education via interviews with 20 New York-based lobbyists and legislators and a sampling of 200 news stories from the 50 states. I find that for-profit college lobbying is slightly associated with Pell grant dependence and that non-profit college lobbying is strongly associated with federal research and development dependence. I also find that although lobbyists band together to advocate for large pots of funding to help equalize on-campus budgets, colleges break away into increasingly small coalitions as funding becomes more specific along the budget process. Colleges lobby in response to high-profile accountability measures but do so in ways distinct from corporations. The study adds detail to the emerging higher education lobbying literature, opens pathways for further exploration, and offers implications for scholars who study higher education and political science.

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Acknowledgments

Ack! Knowledge!

I wrote this:

under the earth in moving subways
in cabins of boats
on trains
in attics
in the cold
in the heat
across country, in the air
in my apartment, alone
in bars, long gone
across daily universes
among deaths and births:
amid, with, and of life itself.

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Dedication

Dedicated to every teacher I've ever had, especially my parents, and to every struggling doc student, especially those who work a full time job.

Chapter 1: Introduction

Just because you do not take an interest in politics doesn't mean politics won't take an interest in you.

-- Pericles (ca. 495 BC - 429 BC)

1.1 A Frayed Relationship

On June 16, 2004, the *Washington Post* reported that the newly elected president of the University of Maryland Student Government Association went on a hunger strike due to the rising price of college tuition:

Aaron Kraus was on the second day of his vigil in front of the Annapolis State House yesterday, and already his body was taking on the authentic patina of protest – chin scraggly with a new beard, jeans browned by park-bench grime, a slightly overripe odor released by the hot spring breeze.

It had been more than 30 hours since his last meal, and the 21-year-old student was determined to continue his hunger strike for as long as it took to draw attention to his cause, like so many young activists who have stormed the barricades for animal rights or drug-law changes or an end to war. Except that Kraus was agitating for . . .an override of Gov. Robert L. Ehrlich Jr.'s veto of House Bill 1188, a measure to boost state funding of public universities while restraining tuition increases.

A year later, University of Wisconsin students held a three-day hunger strike to protest Governor Doyle's budget proposal to increase tuition up to 14 percent over two years. The *Capital News of Madison* shared these student's perspectives:

'It's a question of priorities,' said Ashok Kumar of Associated Students of Madison. 'It seems big business lobbyists are getting their way with the Legislature.' Kumar called the new tuition increases 'legalized neo-segregation.' One of the protesters, Suri Kempe, said the tuition increases would mean people would be able to attend the University of Wisconsin 'based on wealth, not merit. This is not acceptable.' She said the policy of raising tuition 'only feeds a racist system,' suggesting that the increases would primarily affect families of color (Nathans, 2005).

Racist policies to steer benefits away from people of color have long been embedded in American politics and higher education. Although the post-World War II G.I. Bill expanded access to higher education, and caused the face of the typical college student to look less white, Anglo, and wealthy, the bill's embedded segregationism, its state-level management of benefits and training, and its racist barriers to loan provisions ensured that whites would be its primary beneficiaries (Katznelson and Mettler, 2008). Policies like the G.I. Bill, and American higher education as an institution, reflect "the question of priorities" *du jure*. After the G.I. Bill, another wave of legislation under the Civil Rights era, along with student activism, further opened up the doors of academia, this time to women and people of color. The diversification of higher education was met by racial resentments embedded in populism, fraying a longstanding partnership between government and higher education.

For much of American history, higher education had been seen as a moral good, part of the "education gospel" (Grubb & Lazerson, 2009) of "faith in education as moral, personally edifying, collectively beneficial, and a worthwhile investment no matter what the cost, either individual or societal" (Cottom, 2017). However,

For two decades, from the end of the 1960's to the end of the 1980's, conservative Republicans had posed authentically in populist dress by keeping cultural resentments uppermost in the public mind. Adhering to a disciplined script, GOP politicians ran against a 'liberal establishment' composed of federal bureaucrats, the mass media, arrogant academics, and other amoral 'special interests.' This nexus of power supplanted big business and its political cronies as the main threat to the beliefs (and pocketbooks) of the hardworking white majority. In a 1980 poll, even two-thirds of union members agreed that business was over-regulated (Kazin, 1998: 266).

Historically, universities "got their way" with little, if any lobbying (Gladieux & Wolanin, 1976), and there is little research on higher education lobbying to point to much of a pattern. Did populist resentments against a liberal, diversifying academia change that? Students have a long track record of advocating for themselves, but who speaks for American higher education? The

government? Students? Universities themselves? If corporations are “getting their way,” what have universities been doing to get *their* way?

1.2 Getting to 2020

The 1960’s Civil Rights movement spawned federal policies to diversity higher education. The Higher Education Act of 1965, work-study aid, the Education Opportunity Grants in 1972 –a “G.I. Bill for everybody” “[propelled] the diversification of American higher education” (Loss, 2012, 175). Protests at colleges in the 1960’s and 1970’s further changed the face of the typical American college student: as white, G.I. Bill-funded, middle class students graduated, women and Black Americans advocated for inclusion in higher education (Gladieux & Wolanin, 1976; Loss, 2012). Students also protested against American military involvement in Southeast Asia, to the chagrin of President Richard Nixon.

Nixon capitalized upon, and propelled the backlash to campus unrest, with white resentments about Black empowerment. His successful 1968 and 1972 presidential campaigns called for “law and order” and a populist appeal to a white “great silent majority” (Lowndes, 2016). Colleges, with their longstanding image of being wealthy and exclusive, were suddenly now more open to diversity, and became a favorite populist target.

President Ronald Reagan butted heads with universities even as governor of California. In the 1980’s, Reagan advocated against Civil Rights era “big government” programs like Title IV student aid, and favored loans instead of grants, opposed affirmative action in college admissions, the latter of which became “a source of extraordinary controversy” among the white middle class (Loss, 2012: 224). Presidents, especially Republicans like Reagan and his successor George W. Bush, seized upon anti-intellectualism as a populist tool to win elections (Shogun, 2007). This pulled government and universities apart.

Nixon, Reagan, Bush, and others rode a long-running current of anti-intellectualism. Survey data from 1972 through 2014, and 2016 shows a strong association between the public's holding of anti-intellectual views and "support for politicians and political movements who made the distrust of experts prominent components of their campaigns; including voting for George Wallace in 1968, [and] holding positive views [of] and voting for Donald Trump in 2016," (Motta, 2018: 467). American's confidence in education, as reported in the General Social Survey, fell from a high of 49% in 1973 to 25% in 2019 (Smith, et. al, 2011).

This erosion of confidence in experts, education, and big governmental programs corresponded with a new, positive belief in big business. While Civil Rights-era legislation was undermined and deregulation surged in the 1980's, corporate America got *its* way, and privatization came to reign supreme: belief in free markets "seized the minds of both major parties and the average citizen" (Loss, 225). College-going was looked at through the lens of markets. State governments in the 1990's demanded measurable outputs as a result of public investment: performance-based measures tied funding to college outcomes on graduation and transfer rates, job placement, and student retention (Dougherty, Jones, Lahr, Natow, Pheatt, and Reddy, 2016). Wisconsin, where Mr. Kumar and Ms. Kempe went to college, implemented performance funding in 2014 (Hillman et. al., 2015).

The populist, anti-intellectual tide drove policies against colleges, that were mostly, but not exclusively, authored by Republicans. Republican House Speaker Newt Gingrich in the mid 1990's proposed to turn the Pell grant program (a need-based grant for low income undergraduates) into a loan program, limit student aid programs, charge interest on student loans, cut funding to the National Institute of Health and the National Science Foundation, and reduce indirect costs to universities (Cook, 1998). Since at least 2006, Republican Senator Charles

Grassley launched “a slew of inquiries and requests for information” at colleges “about a range of topics, including college governance, presidential pay, research entanglements with corporations and, most recently, whether they should be spending more from their endowments to bolster access to college for needy students” (Lederman, 2008). An endowment tax was signed into law under the Tax Cuts and Jobs Act of 2017. The 2017 law also capped graduate student loans, reduced deductions for education expenses and charitable contributions; bill drafters even turned their gaze towards graduate students and proposed a tax their stipends (Kreighbaum, 2018).

But criticism about higher education is not limited to Republicans. An opinion piece in the left-leaning *The Nation* entitled “Universities Are Becoming Billion-Dollar Hedge Funds With Schools Attached” appeared in 2016, criticizing public and private non-profit university endowment management (Taylor, 2016), while an opinion piece in the right-leaning *Wall Street Journal* entitled “A Hedge Fund That Has a University” appeared in 2017, in support of the endowment tax (Gilbert and Hrdlicka, 2017). Under the Obama administration, the U.S. Department of Education proposed rules to tie college funding to affordability, graduation, and earnings metrics (Stratford, 2014) with the view of student-as-consumer, and the expectation of a return on investment. The label of higher education as corporatist was thus often echoed by the public and policymakers.

The left also aims accountability regulations at colleges and universities, in particular for-profit colleges. For-profit colleges are often in the news for defrauding students, for saddling students with debt, and yielding low graduation rates. For-profit colleges have been reported to target and sometimes deceive veterans, treating them as ““dollar signs in uniform”” (Wong, 2015). The Obama administration assertively held for-profit colleges to earnings-to-debt ratios to

ensure that graduates are “gainfully employed” after graduation, and issued regulations to limit up to 90 percent of for-profit college revenues from federal Title IV sources. School privatization advocate Betsy DeVos was named U.S. Secretary of Education in 2017 by Donald Trump, who from 2005-2010 put his name on a for-profit education company that was accused of defrauding students (Cassidy, 2016). In New York in 2019, Democratic Governor Andrew Cuomo introduced the For-Profit Accountability Act as a response to Secretary Betsy DeVos’s for-profit deregulation of Obama administration rules. Governor Cuomo issued audits regarding sexual assault to private non-profit institutions, piggybacking on Obama-era measures.

For-profit colleges like the University of Phoenix and DeVry University are often publicly traded entities, required to return investment to shareholders. For-profit institutions lobby like corporations because they are corporations. They may make financial contributions directly to political candidates, they may lobby without much restriction, and they may hire government relations professionals to “get their way” in the corridors of power. Although the press has covered dramatic instances of for-profit colleges taking advantage of students, there is not much empirical academic research on how these entities get their way in government. There is, however, political science research on interest groups lobbying that might provide some signposts for higher education researchers to follow.

Which brings us to 2020. In 2020, colleges continued to diversify, enrolling more international students, sometimes drawing hostile populist responses. As state government funding to institutions of higher education withered in the 21st century, colleges enrolled more international students to balance their budgets. In multiple instances since 2017, the Trump administration attempted to rescind visas of international students and workers, even in July of 2020 demanding that international university students leave the country unless they enroll in in-

person classes, fanning a public health dilemma as colleges shifted online due to the COVID-19 pandemic. Colleges rallied to successfully rescind the measure.

1.2 Overview of this Study

If universities are expected to adhere to standards of corporate America, and yield return on states' and students' investments, and may actually run their endowments like hedge funds; if for-profit colleges are corporations that lobby like corporations; if populist and anti-intellectual trends have no sign of going away, as evidenced by Trump's election and subsequent policies, and if Ashok Kumar of the University of Wisconsin is right—that big business lobbyists get their way with legislators—then maybe colleges can and should lobby like corporations to also get their way. Maybe colleges are no longer above the fray, and today recollect the old lobbyist saying “if you're not at the table, you're on the menu.” The question of college lobbying is in need of research: since Mr. Kumar's hunger strike 16 years ago, and even in the 20 years before that, going back to the Gingrich era described by Cook (1998), not much academic research has examined if, how, and why colleges lobby.

I think that colleges not only lobby, but do so in the corporate image. This is because corporations have a long track record of being successful at lobbying, and colleges notice this and emulate it. Indeed, Mr. Kumar's observation is grounded in much research showing how effectively corporations lobby. In Chapter 2 of this study, I review the government-higher education relationship, and compare university lobbying to corporate lobbying, which may provide a model for comparison. This model suggests that corporations lobby for material self-interest: they register to lobby and spend money doing so in the pursuit of federal funds. I review corporate and non-profit literature on lobbying to establish a baseline of comparison; I generate metrics of corporate lobbying, finding that larger corporations lobby, and that their lobbying

spending is connected to the availability of government resources. This is also true for non-profit organizations, suggesting that the model may be applicable to non-profit colleges and universities. I also review the extant research on higher education lobbying and explore the possibility that the literature is sparse because colleges still do not lobby much. That is, they might not need to lobby because a historical, mutually beneficial partnership with government still exists. I also explore the possibility that colleges lobby, but in their own distinct way, to keep funding flowing but not to rock the boat.

I then explore a third possibility, over the course of two chapters, that at the federal level, colleges lobby like corporations. In Chapter 3, I test two hypotheses regarding the connection between federal governmental funding and higher education lobbying suggested by the corporate lobbying model. Hypothesis I states that for-profit colleges with more Pell Grant dependence will lobby more. This is based on existing research indicating that Pell dollars are so important to for-profit colleges that they will lobby for it. Hypothesis II states that non-profit colleges with higher federal research and development dependence will lobby more, and is based on research pointing to the notion that non-profit colleges lobby in pursuit of this resource.

Both hypotheses are grounded on three theories: first, the theory of academic capitalism, which states that higher education is adopting market-seeking behaviors (Slaughter & Rhoades, 2002); second, the theory of memetic isomorphism, which suggests that organizations facing uncertainty will adopt the behavior of organizations seen as stable and legitimate (see DiMaggio & Powell, 1983; Meyer & Rowan, 1977). Together, these two theories imply that colleges reflect the corporate environment and have retooled their internal behavior to become more corporate. Third, the theory of resource dependence, which suggests that organizations pursue government resources differently, due to their dependence on those resources (Pfeffer and Salancik 2003).

Throughout Chapter 3, I analyze data from a new database on higher education lobbying to show the importance of these federal funds to the respective types of colleges. I find descriptive and multivariate evidence linking lobbying to the dependence of these funds, suggesting that at the federal level, colleges lobby like corporations. However, there is more to the story.

In Chapter 4, I discuss what the quantitative data could not reveal. That is, I provide an “inside look” at higher education lobbying. Drawing on 20 interviews, my own 14 years of experience as a higher education lobbyist (and additional work in two U.S. Senate offices, in state government, and as a lobbyist for the New York Bankers Association), and an analysis of 200 news articles from across the 50 states, I discuss the process of lobbying—how colleges lobby—and the topics besides Pell and federal research and development funding that drive lobbying. These topics include the cost of tuition, accountability measures, and other newsworthy motivations that, I believe, demand more lobbying of higher education, and help explain some of what underlies the lobbying effort detailed in Chapter 3. In Chapter 4, I explore the *process* of lobbying, which is important for interest group scholars to examine in addition to the *product* of lobbying (Leech, 2010). I also attempt to unravel some of the collective action paradoxes common to groups that lobby together.

I offer two additional, exploratory hypotheses in this chapter: Hypothesis 3 states that all sector spending and registration is positively correlated with media coverage of accountability regulations; Hypothesis 4 states that public, private, and for profits employ similar lobbying tactics, with for-profits relying more on direct tactics. In Chapter 4, I find that the story of higher education lobbying is more complex than what political science corporate lobbying research suggests: I find that although colleges lobby for public goods in increasingly specific coalitions, they will lobby together even when they do not differentially receive those goods, due to non-

material pressures like a desire to “speak with one voice” and the existence of associations.

While the analysis in Chapter 3 makes strides to isolate the independent effect of college characteristics on federal lobbying a la the political science research, in Chapter 4 I argue that the *interdependence* of local, state, and federal funding sources is key to driving college lobbying.

Thus, I find that college lobbying is more complicated than lobbying for federal dollars. In Chapter 5, I reflect on the study—its implications for the fields of higher education research, political science, how it might be improved in the future, and offer tracts for future research.

Chapter 2: A Review of Lobbying Literature

2.1 Introduction

In this chapter I review research on interest group lobbying. I first discuss the literature on higher education lobbying, which for most of the 20th century could be characterized as a partnership between government and colleges until a “breakup” in the late 1960’s. Studies in the 20th century only point to occasional lobbying by colleges, and despite a difficult cultural and political environment that put colleges on the defense, imply that colleges still lobby rarely, if at all.

I then examine the broader interest group lobbying literature, which mostly focuses on corporations. This body of research offers patterns of lobbying behavior against which we can measure newer research on higher education lobbying. Lobbying data disclosed under the Lobbying Disclosure Act of 1995 (LDA) provides metrics of corporate lobbying. Since colleges also report lobbying under the LDA, gaps in the literature can be addressed and we can better understand the state of college lobbying in the 21st century. I also review the non-profit lobbying literature, which notably excludes higher education, but provides signposts to compare non-profit college lobbying.

I then turn to the most recent higher education lobbying literature. The contemporary higher education literature is scattered, broad, and offers starting points for more investigation. It indicates that different sectors of colleges—public, private non-profit, and for-profit—lobby based on their dependence on government resources. It also suggests the possibility that like corporations, colleges lobby in response to regulations, and rely on direct lobbying tactics. But it is unclear if the higher education-government breakup is really over, or if colleges do not expend much lobbying effort and rather let others do the heavy lifting.

At the end of this chapter, I introduce a theoretical framework that posits three possibilities to characterize contemporary higher education-government relations. The first is that like in the past, colleges do not lobby much or at all because they are still in good, or “good enough” favor with government. The second is that colleges lobby, but in their own distinct way. The third is that colleges notice the threats and opportunities around them, and lobby—like corporations. I then state four hypotheses to investigate the third possibility, which I find most plausible.

2.1 Higher Education-Government Relations in the 20th Century

In this section, I describe a historical partnership between government and colleges, underwritten by a public faith in higher education that for most of the 20th century that likely preempted the need for colleges to do much lobbying. Government relied on higher education to fulfill important national needs in agriculture, war, and citizenship. When colleges did lobby, they did so usually in response to threatened funding streams set up by this partnership, and were more likely to lobby via associations than at the campus level. However, this relationship changed in the 1960’s as tumult came from outside and inside of colleges: government policies to fulfill civil rights goals helped diversify college campuses, and Black and women students advocated for better representation. Students of many backgrounds protested the country’s military involvement in Southeast Asia, and President Richard Nixon stoked populism and anti-intellectualism through his six years in office. The government-higher education partnership pulled apart and frayed in this era, while populism and anti-intellectualism continued to be important political forces through the end of the century, putting colleges on the defense. Many Americans placed less faith in higher education, and from the 1980s through to today, many voters and policymakers trusted the power of markets, competition, and the corporate sector. As

trust and faith in higher education eroded, many began to expect colleges to behave more like corporations and less like the sanctified institutions of old. The available literature says little on how colleges by the end of the 20th century responded to these challenges, leaving it unclear how to characterize the frayed era.

2.1.1 A Partnership

The historical flow of resources from government to higher education rested on a public faith in higher education. For much of American history, higher education had been seen as a moral good, part of the “education gospel” (Grubb & Lazerson, 2009) of “faith in education as moral, personally edifying, collectively beneficial, and a worthwhile investment no matter what the cost, either individual or societal” (Cottom, 2017). Universities and their associations in Washington, D.C. thus abstained from lobbying due to the traditional assumption of their “self-evident value of education to society” (Gladieux & Wolanin, 1976: 242) and instead emphasized education as a national asset and responsibly (Gladieux & Wolanin, 1976: 44). As will be described in this section, government often gave colleges money to fulfill certain needs: colleges were critical for achieving the growing state’s goals in agriculture, war, and a democratic citizenry.

As the government-higher education partnership became more robust, colleges would occasionally lobby to protect funding streams. The first recorded instance of colleges “banding together” to lobby was to secure funds authorized but not appropriated under the Hatch Act of 1887, which authorized Congressional funding to state land grant colleges and universities (hereafter “land grants”) to establish stations to experiment in agriculture (Congressional Record, 1987). The Association of American Agricultural Colleges and Experiment Stations (AACES) organized in 1887 to lobby for Hatch Act funds and for a second Morrill Act (Cook, 1998);

AACES would change later change its name to the Association of Land Grant Colleges and Universities (ALGCU) which today continues to lobby for land grant colleges. Land grants lobby for increased National Science Foundation (NSF) and National Institutes of Health (NIH) budgets, as well as for earmarked funds (until they were banned for non-profit institutions in 2011) (Marsicano, 2019). During the 1930's New Deal, President Franklin Roosevelt "tapped the land grant university extension system, and its force of three thousand county agricultural agents, to implement the Agricultural Adjustment Act," public works, and work-study (Loss, 2012, 5). Roosevelt also famously drew from faculty at elite universities like Columbia and Harvard to create a "Brain Trust" to generate and implement ideas to fight the Great Depression.

The government-higher education partnership was strong in matters of war. Columbia University president Nicholas Murray Butler in 1917 offered to temporarily nationalize "the entire resources" of Columbia in the event of a wartime emergency; almost 100 universities followed suit (Barrow, 1990: 125). The threat of decreasing enrollments due to the American government's involvement in World War I caused colleges to organize and lobby. A federation of university associations formed to lobby the U.S. Bureau of Education to attempt to stem the flow of students from campuses; this federation would in 1918 become American Council on Education (ACE); ACE would also lobby for the federal Bureau of Education to become a department (Hawkins, 1992). The government in the 1940's relied on university scientists to develop the atomic bomb: Manhattan Project scientists were from universities including Columbia, Harvard, Princeton, University of California and the University of Chicago (Reed, 2014). Through the Cold War, "a new alliance between science and the state was forged," with universities as major recipients of war-related contracts (Balogh, 2015). The National Defense Education Act (NEA) of 1958 "provided grants and loans to students in education and the

sciences as a national defense response to Sputnik” (Hannah, 1996) and “financed education for specific careers, and with the goal of contributions to global understanding” (Cook, 1998).

After World War Two, government employed higher education to build a democratic citizenry. The state “deployed education to build better soldiers and rewarded veterans with generous education benefits in exchange for their wartime sacrifices;” it was a “reciprocal conception of educated citizenship” (Loss, 2012, 214). The post-World War II GI bill was the centerpiece of this effort, sending millions of dollars to colleges. Colleges, however did not lobby for the GI Bill; rather, it was an “unexpected and not wholly welcomed windfall” (Thelin, 1994) pushed through by President Franklin Roosevelt and the American Legion (Olson, 1973). The college-going veteran was popularly called “Joe College.” He was the “quintessential adjusted citizen” who personified “white male, middle-class values and institutions” (Loss, 2012: 219).

This pattern of advocacy for higher education, undertaken by officials and entities mostly outside of higher education, continued through most of the 20th century. A close-knit bipartisan group of members of Congress, executive branch officials, and higher education associations was responsible for most of the formation of the Higher Education Acts (HEA) from 1960’s to the early 1990’s (Hannah, 1996). During the renewal of the Higher Education Act of 1972 the higher education associations, formed specifically to represent colleges in Washington, D.C., “abdicated” and took their cues from an education subcommittee chair who saw lobbying as “unseemly” (Gladieux & Wolanin, 1976: 199). Importantly, during the expansion of student aid programs in the 1972 HEA renewal, colleges were not organized in a meaningful way. Rather, individual colleges were passive, secondary beneficiaries of expanded Pell grants, which were designed so students could “port” the funding to the college of their choice (Cook, 1998), not

unlike a voucher program. Outside groups like United Negro College Fund lobbied for Pell increases for the benefit of students at Historically Black College or Universities (HBCUs) (Loss, 2012). In summary, the government's use of higher education was a buffer "between citizens and the state" that created a thick partnership termed a "parastate" (Loss, 2012) that did not prompt much higher education lobbying.

2.1.2 A Fraying Relationship

In this section I explain how higher education-government relations changed in the late 20th century as Americans shifted their faith away from colleges. The government-higher education partnership that was strong through most of the 20th century began to "break up" in the late 1960's (Loss, 2012). The resulting relationship at the end of the 20th century and beginning of 21st century was frayed: although some important fibers still connected government to higher education, with colleges receiving large amounts of federal research and development dollars (Brint, 2019), the more visible edges were frayed as more campus diversity and protests were followed by an anti-college backlash that brought to the fore undercurrents of anti-intellectualism, and later, a belief in markets¹, which put colleges on the defense.

Universities in the post-World War Two era became more ethnically and economically diverse. Most Joe Colleges (the largely white, middle class male) had graduated institutions that were white-majority by the mid-1950's. Government in part responded to the Civil Rights movement by funding aid programs at colleges for low-income students. The federal government in 1965 used Title IV of the Higher Education Act to "[propel] the diversification of American higher education" and included Education Opportunity Grants in 1972 as a "G.I. Bill for

¹ Richard Hofstadter's 1963 *Anti-intellectualism in American Life* discusses American preference for spiritual practices rather than intellectual rigor, and a preference for capitalism's "mystique of practicality."

everybody” and funded other programs like work-study to aid needy students (Loss, 2012, 175). College enrollment in the 1950’s went from 2.3 million to 4 million, in the 1960’s it went from 4 million to 8.6 million (Loss, 2012: 180). Black college student enrollment tripled from 1968 to 1978 (Loss, 2012:178). By the 1970’s the majority of female undergraduates received their degree at coeducational institutions (Goldin & Katz, 2011).

Change at colleges now also came from within:

the tide of national affairs—the civil rights movement and the racial crisis, the focus on poverty and urban strife—affected every sector of the society. Higher education was forced to examine its record and conscience in failing to extend opportunities adequately to ethnic minorities and the disadvantaged (Gladieux & Wolanin, 1976: 18).

Higher education examined its record as administrators at some highly selective institutions observing the Southern civil rights movement created affirmative action in admission in the first half of the 1960’s; affirmative action became more prevalent in the latter half of the decade with social unrest (Stulberg & Chen, 2014). As the number of Black students and women in college increased, so did their desire for universities to reflect their interests. Black students affiliated with the Black Power movement called for the establishment of Black studies departments (Loss, 2012: 168). In New York, Black and Puerto Rican students in 1969 protested the need for the student body of City College to reflect the composition of public high schools and contributed to the open admissions policy (Schmidt, 1999). The feminist movement advanced the establishment of women’s studies departments (Loss, 2012: 168). Such student-centered, “rights-based” education began to replace the GI Bill’s “reciprocal” relationship that linked education to service; college became a place of “identity politics on steroids” (Loss, 2012).

In the late 1960’s, universities became hotspots for protests of many sorts, particularly against America military action in Southeast Asia. Initially, “many of the era’s most combustible protests occurred at the nation’s most elite colleges” (Loss, 2012: 180). Students at Columbia

University in 1967 and 1968 protested CIA and military recruiting on campus and the University's membership in the federally funded Institute for Defense Analyses (Columbia University Libraries, 2018), of which Princeton, the University of Chicago, Caltech, Case, MIT, Stanford, Tulane, University of California, Chicago, University of Illinois, the University of Michigan, Penn State were members (Greenberg, 1968). Protests became widespread in May of 1970 after President Nixon announced America's invasion of Cambodia: that year 9,408 protests (Loss, 2012: 218) took place at about 22 percent of colleges (Gladieux and Wolanin, 1976: 24). Some were violent. The National Guard was deployed to campuses in 16 states, killing four students at Kent State University in Ohio; Mississippi state police killed two students at Jackson State College; anti-war activists blew up the Army Mathematics Research Center at the University of Wisconsin, killing a researcher and injuring others (Loss, 2012). Images of students and young people protesting and occasionally defacing American flags circulated widely in the media (Boxerdec, 1995): "[events] such as these convinced many observers that higher education had become a breeding ground for political radicalism, not democratic citizenship" (Loss, 2012: 217). As a result, "campus unrest contributed to a changing climate of opinion about higher education in general that could condition legislative action in the early 1970s" (Gladieux & Wolanin, 1976: 25). That is, the relationship was fraying.

Some Americans began to lose faith in higher education's "self-evident value" to society, and a backlash began. Notre Dame University president Father Hesburg in 1971 observed:

After a century when the society at large could not do enough for universities and colleges, when these institutions represented the epitome of just about everyone's hopes, a degree being the closest earthly replica of the badge of salvation, suddenly the great American public, our patron and faithful supporter, is rather completely disillusioned about the whole enterprise (in Gladieux & Wolanin, 1976: 25).

This may have marked the end of the belief in the education gospel. President Richard Nixon capitalized on the backlash to campus strife and white resentments about Black empowerment. His successful 1968 and 1972 presidential campaigns called for “law and order” and a populist appeal to a “great silent majority,” with staff like Kevin Phillips, and Patrick Buchanan (who later became a major populist voice) encouraging Nixon to play to the racial resentments of the white working class on which Alabama Governor George Wallace previously campaigned (Lowndes, 2016). In general, “[p]opulists see themselves as true democrats, voicing popular grievances and opinions systematically ignored by governments, mainstream parties and the media” (Canovan, 1999). For the Nixon era Republican leaders through to today,

. . . the definition of ‘the people’ is [narrow and] ethnically restrictive. For most of U.S. history, it meant only citizens of European heritage—‘real Americans,’ whose ethnicity alone afforded them a claim to share in the country's bounty. Typically, this breed of populist alleges that there is a nefarious alliance between evil forces on high and the unworthy, dark-skinned poor below—a cabal that imperils the interests and values of the patriotic (white) majority in the middle (Kazin, 2016).

Universities—especially their students and their faculty—were sometimes painted as radical and in opposition to the values of middle class white Americans. Civil Rights-era policies like affirmative action in college admissions became “a source of extraordinary controversy” among the white middle class (Loss, 2012: 224). Yet, college advocacy in this era was mostly to preserve research funding and institutional aid (Gladieux & Wolanin, 1976: 44), with the ACE as a leading unifier (Hawkins, 1992; Cook, 1998). Colleges did little to defend themselves as their “badge of salvation” lost cache.

In this absence of action, colleges and their students became the populist target. The theory of social construction of target populations states that there are “cultural characterizations or popular images of . . . persons or groups whose behavior and well-being are affected by public policy. These characterizations are normative and evaluative, portraying groups in positive or

negative terms through symbolic language, metaphors, and stories” (Schneider and Ingram, 1993:334). The image of the college student became reconfigured in the 1960’s; this theory implies that populists would consider increasingly diverse college students, with their student-centered, rights-based education, as less deserving and more selfish, and thus perceived negatively, in contrast to “Joe College” World War II and Korea veterans, who would be considered a deserving, high-power group positively perceived.

Populism is an evolving concept. American populism shifted from the left to the right in the 1940’s (Kazin, 1998). While populism traditionally drew attention to economic inequalities (Shogun, 2007) and populist leaders made direct, often emotional appeals “to the people,” (Canovan, 1999), populism expanded in recent decades to include anti-elitism, specifically anti-intellectualism (Shogun, 2007). This played out in the form of distrust of expertise (Canovan, 1999; Nichols, 2017). Anti-intellectualism was continuously stoked by national politicians after the turmoil of the 1960’s. Nixon acted upon this by turning his ire on the scientific community, which was largely seated at universities:

Disturbed by academic scientists’ lack of support for the Vietnam War, President Richard Nixon stopped awarding the National Science Medal, ignored his science adviser, abolished the Office of Science and Technology, and refused to convene, then terminated, the President’s Science Advisory Committee, an active Executive Office body since the Eisenhower administration (Loss, 2012: 217).

Additionally, future president Ronald Reagan had a long and contentious relationship with higher education: as Governor of California in 1967 he fired University of California President Clark Kerr. When he became U.S. president in 1980, Reagan pledged to end “big government” and abolish the U.S. Department of Education, causing panic in the higher education community (Loss, 2012: 224).

Just as Reagan came into office, Isaac Asimov observed that “There is a cult of ignorance in the United States . . . a strain of anti-intellectualism has been a constant thread winding its way through our political and cultural life.” The latest buzzword in 1980, he said, was “don’t trust the experts” (Asimov, 1980). Presidents, especially Republicans like Reagan and George W. Bush, seized upon anti-intellectualism as a populist tool to win elections (Shogun, 2007). More recently, the anti-intellectual strain continued as Republican presidential candidates in 2008 argued that Democratic candidate Barack Obama’s previous employment as a law professor was a liability (Stripling, 2010) and in 2012 some candidates called colleges “‘indoctrination mills’ led by liberal professors” (Shear, 2012). These observations are backed up by polling data: analysis using survey data from 1972 through 2014, and 2016 found a strong association between the public’s holding of anti-intellectual views and “support for politicians and political movements who made the distrust of experts prominent components of their campaigns; including voting for George Wallace in 1968, [and] holding positive views [of] and voting for Donald Trump in 2016,” (Motta, 2018: 467).

As the liberal academic elite became populist enemies, a door for corporate America opened:

For two decades, from the end of the 1960’s to the end of the 1980’s, conservative Republicans had posed authentically in populist dress by keeping cultural resentments uppermost in the public mind. Adhering to a disciplined script, GOP politicians ran against a ‘liberal establishment’ composed of federal bureaucrats, the mass media, arrogant academics, and other amoral ‘special interests.’ This nexus of power supplanted big business and its political cronies as the main threat to the beliefs (and pocketbooks) of the hardworking white majority. In a 1980 poll, even two-thirds of union members agreed that business was over-regulated (Kazin, 1998: 266).

By the 1980’s, Americans placed faith in corporate America, believing in the power of markets and privatization. Belief in free markets “seized the minds of both major parties and the average citizen” (Loss, 225). For example, college-going was looked at through the lens of markets. The

view of students as consumers, which was present in the formation of the 1972 Higher Education Act amendments (Gladieux & Wolanin, 1976), grew as more federal student aid programs took the form of loans, rather than grants (Hannah, 1996). Federal legislators approved Title IV dollars to be used at for-profit colleges; the percentage of students enrolled at such institutions grew from 0.2 percent in 1970 to 9.1 percent in 2008 (Deming et al, 2011). Not much is known on how non-profit colleges responded to this growing sector, which ostensibly cut into their enrollments.

Many Republican members appointed to higher education committees in the mid 1990's were "not necessarily sympathetic to academia" (Cook, 1998, p. 57) and proposed policies that would encourage, if not force universities to adopt corporate style efficiencies and to "do more with less." They attempted:

turning the \$6-billion Pell Grant program into a loan fund. . .eliminating the three campus-based student-aid programs, charging interest on federal student loans while borrowers were still in school, and . . .imposing a 2-per-cent tax on colleges participating in the student-loan program. . .[F]ederal support for research was on the chopping block, with both the National Institutes of Health and the National Science Foundation slated for cuts. Reductions also were proposed for universities' reimbursement for the indirect costs of federally sponsored research (Hartle, 1998)

Around that same time, Republicans also aimed to curtail affirmative action (Cook, 1998: 61).

There is some evidence that colleges responded to the threats of this 104th Congress via their associations like ACE (Cook, 1998). The only data on college campus-level lobbying effort in this era was reported in 1994, when five percent of colleges said they had federal relations staff in Washington and 18% of colleges hired external lobbyists at Washington-based firms (Cook, 1998).

Federal research and development remained an important strand connecting government to higher education for decades, with federal science and engineering research and developments nearly tripling from 1980 to 2015; however, this funding encouraged autonomy between the

government and universities, and was often intended to support “government-identified national priority areas” like the military (Brint, 2019). This strand, however important, was not very visible. Perhaps universities learned from the 1960’s protest movement to keep their involvement in military research less visible.

At the end of the 20th century into the 21st, bipartisan “neoliberal” belief in the market, competition, and accountability often left higher education on the defense. Neoliberalism can be defined as a broad theory and set of policies that encourage “private enterprise, individual responsibility, and competitive markets to spur and coordinate the actions of entrepreneurs” and has implications for higher education (Dougherty & Natow, 2019). Neoliberal ideals

. . . have served to extend the deepening and expansion of the market-mediated and competition driven profit venture far beyond the corporate sphere. Disciplinary policy tools, such as performance indexes, scoreboards, and the benchmarking of ‘best practices’ are the tangible manifestations of the totalizing and all-pervasive forces of competition, exposing entire countries, regions, cities, universities, and hospitals, as well as students, researchers and workers to continued comparative evaluations, and thus, the need to compete (Wigger & Buch-Hansen, 2013).

For example, state governments in the 1990’s demanded measurable outputs as a result of public investment: performance based measures tied funding to college outcomes on graduation and transfer rates, job placement, and student retention (Dougherty, Jones, Lahr, Natow, Pheatt, and Reddy, 2016). In the 2010s, President Obama tried to nationalize performance-based funding with “competition for grants and federal student aid dollars to encourage experimentation with new models of teaching, costs, and educational and employment outcomes for student[s]” (Pheatt, 2017). Left-leaning politicians favored accountability at colleges, attaching strings to funding, using

financial aid, as provided in the Higher Education Act and its amendments, to enforce affirmative action objectives by threatening to cut off student financial aid at institutions that do not comply with federal mandates. One such mandate is Title IX of the 1972 HEA

which prohibits discrimination on the basis of sex and is best known for its provision of better athletic opportunities for women students (Cook, 1998).

Colleges were generally the recipients of mandates, but there is a dearth of research on college federal lobbying in response to such mandates at the end of the 20th century. One notable exception is the lobbying effort against the federally-proposed State Postsecondary Review Program (SPRE)² leading to the Higher Education Act of 1992 (Cook, 1998). The SPRE challenge “pushed the [college] presidents into being more informed and involved in federal relations than they ever were before” (Cook, 1998). Not much scholarly research, however, describes how colleges sustained their federal relations after the passage of SPRE and HEA 1992.

Colleges’ eroded public standing—stoked by populist politicians—and sparse lobbying made it that much easier for policymakers to implement measures oppositional to colleges. The anti-college backlash of the 1960’s seems to have continued life at the beginning of the 21st century, with observers noting the “death of expertise” and active resentment of experts (Nichols, 2017). A major study of higher education from 1980 to 2010 noted that in this era, “Conservative media personalities and politicians ridiculed political correctness and identity politics on campus, and their criticisms contributed to undermining the confidence of Americans in their higher education institutions” (Brint, 2019). American’s confidence in education, as reported in the General Social Survey, fell from 49% in 1973 to 25% in 2019 (Smith, et. al, 2019). Although faith in higher education fared better than education in general, from 2010 to 2017, anti-college sentiment was driven by Republicans, who in 2016 suddenly switched from

² SPRE was authorized by HEA 1992 and directed states to assign state postsecondary review entities (SPREs) to review how institutions of higher education (IHEs) met standards such as student loan default rates in order to qualify for student aid programs (Pelesh, 1994).

feeling positive about colleges to feeling negative, possibly driven by the anti-intellectual, populist candidacy of Donald Trump. The figure below shows this pattern.

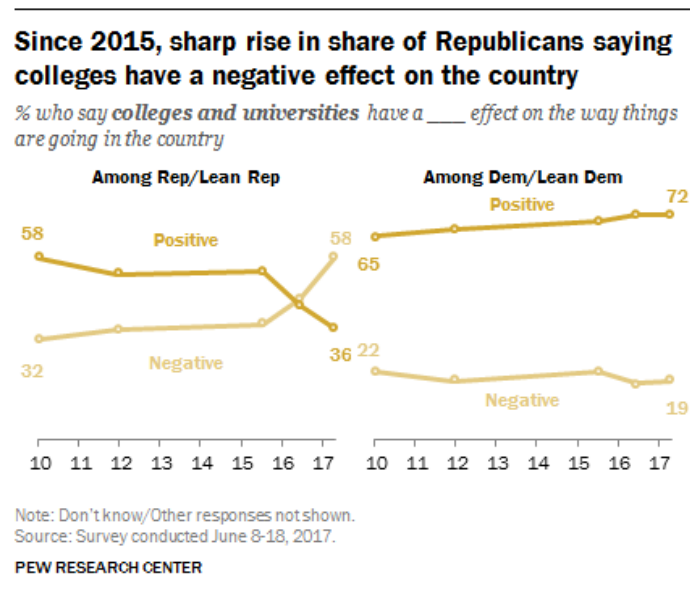


Figure 1: Americans' Views on Higher Education, 2010-2017
Source: Pew Research Center, 2017

This figure makes clear that by the late 2010's, long-running anti-intellectual undercurrents were brought into the surface, politicized, and now clearly directed at colleges in particular.

In the wake of higher education and government's pulling apart, many Americans by the beginning of the 21st century instead placed faith in competitive market forces "to increase economic progress and innovation, create wealth, and to reduce poverty" (Wigger & Buch-Hansen, 2013). In fact, some in federal government expect colleges to behave like businesses. Congress in 2017 wrote the Tax Cuts and Jobs Act, targeting higher education students and institutions for unprecedented new taxes on graduate student stipends and college endowments. Some in Congress equated colleges with businesses and challenged their tax-exempt status; for example, a university lobbyist was pressured by a legislative aide on the unrelated business income (UBI) tax: "The aide argued that the university gym charging entrance fees tax-free as

UBI amounted to ‘a threat to local gyms and an unfair advantage’ for the university” (Marsicano, 2019). By the late 2010s, fewer Americans preached the education gospel; instead of believing in higher education’s power of salvation, many expected colleges to cannily compete. The days of partnership, when presidents drew from academia to form a “Brain Trust” to shape policy, seemed long gone.

2.1.3 Summary and Unanswered Questions

For most of the 20th century, higher education lobbying may have been unnecessary because the public and government trusted higher education, and government relied on higher education to fulfill certain needs. This forged a partnership. Colleges occasionally lobbied reactively, to maintain funding, and did so through their national associations. The pattern for most of the 20th century was for others to make decisions on behalf of higher education. After World War II, government expanded access to higher education, and more women and Black Americans enrolled. In the 1960’s, more campus diversity and protests were quickly followed by an anti-college backlash that brought to the fore American ideals of populism and anti-intellectualism. By the 1980’s, anti-college sentiment was on the rise along with a robust belief in markets, competition, privatization, and accountability that put colleges on the defense. Yet, the literature through the end of the 20th century only shows a spotty history of higher education lobbying to preserve its stakes—in the 1990’s via associations and a small percentage of campuses that hired lobbyists. As 21st century anti-intellectualism and market-oriented policies encourage colleges to act more like corporations, researchers can ask how and why college responded, and understand the specific role of lobbying. This may address whether the gulf between government and higher education widened or if higher education entered the world of lobbying to enhance the relationship in this “post-breakup” era.

2.2 Corporate Lobbying

In this section I review the more developed literature on lobbying by other organizations, especially corporations. The tumultuous late 1960's was an inflection point for big business, which responded to negative public opinion and government action in a different way than higher education dealt with its backlash: corporations lobbied with gusto. In contrast to higher education, research on corporate lobbying is robust³ and elucidates patterns against which we can compare newer, emerging findings on higher education. These patterns are: a tendency for organizations that register to lobby to stay registered, and that their registration seems connected to governmental spending; lobbying expenditures tend to rise with governmental spending, and that expenditure trends indicate a shift from interest group association-level lobbying to company-level lobbying; a strong tendency for companies to lobby against regulations, possibly including those discussed in the media; and a general tendency for companies to rely on "direct"⁴ lobbying tactics more than indirect tactics⁵. Except when otherwise indicated, this section mostly focuses on corporate lobbying, not only because that is where the literature is most robust, but also because, as we will see, businesses constitute the vast majority of all lobbying activity.

³ As a rough indicator, as of May 2020, search terms and number of articles in a Google Scholar were: "federal lobbying" 249,000; "federal corporate lobbying" 152,000; "federal higher education lobbying" 60,600. Several of the first 20 of so articles returned in the latter search are reviewed here, but their relevance, and likelihood of being peer reviewed, diminishes sharply after that.

⁴ The Internal Revenue Service defines direct lobbying as: "attempts to influence a legislative body through communication with a member or employee of a legislative body, or with a government official who participates in formulating legislation" (IRS, 2017). It also aligns with an oft-cited definition of "inside" lobbying: "the personal access and contact with legislators so necessary for maintaining good relations with government" (Kollman, 1998).

⁵ Indirect lobbying can be considered any attempt to influence policy without directly contacting legislators. This includes and expands upon the IRS's definition of "grassroots" lobbying: "attempts to influence legislation by attempting to affect the opinion of the public with respect to the legislation and encouraging the audience to take action with respect to the legislation" (IRS, 2017) and the frequently referred-to definition of "outside" lobbying: "both the attempt to communicate public support to policymakers (...signaling...) and the attempt to increase that public support among constituents (...conflict expansion)" (Kollman, 1998). Examples of outside tactics include "Talking with the press," "Mobilizing group members," and "Organizing letter-writing campaigns" (Kollman, 1998).

2.2.1 Lobbying as the Business Response to Challenge

The political science research makes clear that corporations lobby in response to challenge, and in pursuit of federal dollars. The protest movements of the 1960's and 1970's corresponded with a more regulatory government as the U.S. experienced an "advocacy explosion" (Skocpol, 2003: 13, 140). New socially-minded groups emerged to represent the rights of women and racial and ethnic minorities, environmental, and consumer causes (Tichenor and Harris, 2003: 604). These groups advocated for their causes, and to rein in corporate power. For example, "In 1960, there were 255 private antitrust suits filed against corporations, or about 60 percent of all antitrust action. By 1972, the number of suits filed jumped to 1,299, which constituted 94 percent of all antitrust suits filed during that year" (Pfeffer & Salanick, 2003).

The challenge to corporate power was answered by lobbying: businesses lobbied against increased social mandates and environmental regulations and thus became more of a presence in Washington, D.C. (Drutman, 2015). There was huge increase in the number of interest groups in the late 20th century (Harris and Titchner, 2003: 594). A snapshot shows the lobbying composition: around 2000, 35 percent of lobbyists represented trade/corporate/business interests, 26 percent of lobbyists represented citizen groups, 11 percent professional associations, six percent unions, three percent foundations and think tanks⁶ (Baumgartner et. al., 2009). But businesses and trade associations in this era did the vast majority of the lobbying spending (78 percent of lobbying expenditures in 1996, see Baumgartner & Leech, 2001).

Business lobbied against regulations, freeing up public dollars for private use. Deregulatory efforts in the 1980's "did not shrink the state" (Feigenbaum, Henig & Hamnett, 1998) and end "big government" per se: state governments struggled but the federal budget

⁶ Baumgartner et. al. calculated these figures based on a sampling of reports filed by organizations with the U.S. Senate Office of Public Records.

consistently grew. Research shows that lobbying grows as the federal budget grows. From 1981 to 2004, the number of corporate lobbyists doubled as non-defense federal discretionary spending grew by 36%⁷ (Drutman, 2015: 169). This connection supports resource dependence theory (Pfeffer and Salancik 2003) which implies that organizations pursue government resources differently, based on their dependence on those resources. In other words, this theory posits that organizations that depend on government funding may lobby for it.

2.2.2 Lobbying Registrations and Spending

Political science research consistently studies two related measures of lobbying disclosed under federal guidelines—lobbying registrations and expenditures. These measures allow researchers to analyze more detailed patterns of lobbying. Registering represents an organizational commitment “whether to” lobby while spending represents a more granular “how much” organizational effort that seems to respond to available government resources. Contemporary lobbying disclosures are guided by two pieces of legislation, described next. The laws have had two effects: first, they may have caused many organizations to “lobby in the shadows” after 2007. Second, for organizations that do decide to register, their commitment tends to stick.

The Lobbying Disclosure Act of 1995 (LDA) requires registration for “lobbying activities”⁸ above \$3,000 per quarter for a contract lobbyist⁹ and \$13,000 (as of 2017) for an in-

⁷ Drutman calculated number of lobbyists “based on lobbyists listed in the Washington Representatives directory for companies in the S&P 500 sample.”

⁸ The LDA defines lobbying activities as “Lobbying contacts and any efforts in support of such contacts, including preparation or planning activities, research and other background work that is intended, at the time of its preparation, for use in contacts and coordination with the lobbying activities of others.” United States Senate Historic Lobbying Disclosure Act Guidance. http://www.senate.gov/legislative/common/briefing/lobby_disc_briefing.htm#4

⁹ A lobbyist is defined as “Any individual who (1) is either employed or retained by a client for financial or other compensation (2) for services that include more than one lobbying contact; and (3) whose ‘lobbying activities’ constitute 20 percent or more of his or her services on behalf of that client during any six-month period.

house lobbyist. The Honest Leadership and Open Government Act of 2007 (HLOGA) required additional registration by anyone “whose lobbying activities constitute 20 percent or more of his or her services on behalf of that client during any six-month period” (U.S. House of Representatives, 2008). This means that organizations must determine how much time an in-house lobbyist or contract lobbyist spent lobbying in a given quarter, and then register for every quarter that they meet the threshold. Organizations must also determine how much lobbying time any given employee spends on lobbying activities every six months; if that employee exceeds the 20 percent threshold, the organization must register to lobby. These guidelines are shown in the table below.

Table 1: Federal Lobbying Registration Thresholds

<i>Lobbying spending (LDA 1995)</i>	<i>Reporting required if lobbying activities reach:</i>
By in-house	\$12,500/quarter
By consultant	\$3,000/quarter
<i>Lobbying time (HLOGA 2007)</i>	
By any employee	20% of time/6 months

Source: U.S. House of Representatives, 2017

Reading and comprehending lobbying disclosure legislation and thresholds alone is no easy task; tracking employee time and preparing and submitting the registration documentation requires significant resources. For example, an organization may issue an internal quarterly request for employees to report how much time they spent on lobbying activities (along with definitions of lobbying activities) and then determine if they meet the thresholds, and if so, file a disclosure report.

Registering—the “whether to” lobby—represents an institutional commitment to lobbying and is “sticky.” This is because “lobbying has some level of fixed or overhead costs”

(Brasher & Lowery, 2006). Once registered, companies tend to stay registered. Across 1,066 companies 1981-2004, corporate “lobbying presence” (the number of in-house lobbyists plus consultants) “five years in the past does a pretty good job of predicting current company lobbying levels” (Drutman, 2015, 209). This is likely because “lobbyists find new issues, companies get drawn into new battles, and new coalitions and networks emerge. Managers see value in political engagement they did not see before. Lobbying is sticky” (Drutman, 2015, 219). Registration is connected to available governmental resources. Initial research shows “a very slight positive relationship between the annual change in government [non-defense discretionary spending] and the annual change in lobbying [presence], but a significant amount of variability is unexplained” (Drutman, 2015: 170). It might be possible that lobbying “follows the money.” That is, the historical pattern indicates that as government spending increases, more organizations hire lobbyists, who register on behalf of those organizations. And since “lobbying is sticky,” those lobbyists defend and preserve those stakes.

Regarding lobbying expenditures—the “how much” of lobbying—corporate lobbying spending increases with increased governmental resources. That is, lobbying spending is not very “sticky.” Evidence indicates that companies will also spend more or less depending on the availability of government resources: companies with higher levels of government sales and contracts had higher levels of lobbying expenditures and political action committee (PAC) contributions (Lux, 2011); that is, companies dependent on government resources spend more on lobbying. Larger companies spend more on lobbying, and have a stronger positive correlation between lobbying expenditures and number of agencies lobbied, than medium and small companies (Drutman, 2015: 91).

Expenditure data also reveals a recent shift from associational-level lobbying to company-level lobbying: “in 1998, the median industry spent 62.5 percent of its lobbying dollar through individual company lobbying. By 2012, the median share of lobbying done through companies had risen to 71.1 percent” (Drutman, 2015, 112). The pattern seems to be for organizations to first rely on their association to lobby for a larger governmental funding “pie” and then lobby for a narrow “slice” that applies to the individual organization: “first, companies join together in order to get an issue onto an agenda, aware that it often takes a large coalition to break the threshold of attention. Then, once the issue gets serious consideration, companies break off and advocate for themselves” (Drutman, 2015: 98).

Some organizations may systematically underreport their lobbying due to these increasingly stringent requirements. There is evidence suggesting that HLOGA of 2007 first caused lobbyists to avoid registering, taking advantage of the “Daschle loophole¹⁰,” which implies that registration is unnecessary for those who spend less than 20 percent of their time performing lobbying activities for a client over a three month period (LaPira, 2015). Figure 2

¹⁰ Named after former Senator Tom Daschle, who after losing his Senate seat in 2004, lobbied for health care interests at Alston and Bird but considered this work “policy advising” or “strategic consulting,” and did not register until 2014 (Serino, 2014).

below shows how lobbying registrations decreased after 2007; expenditures decreased after 2010.

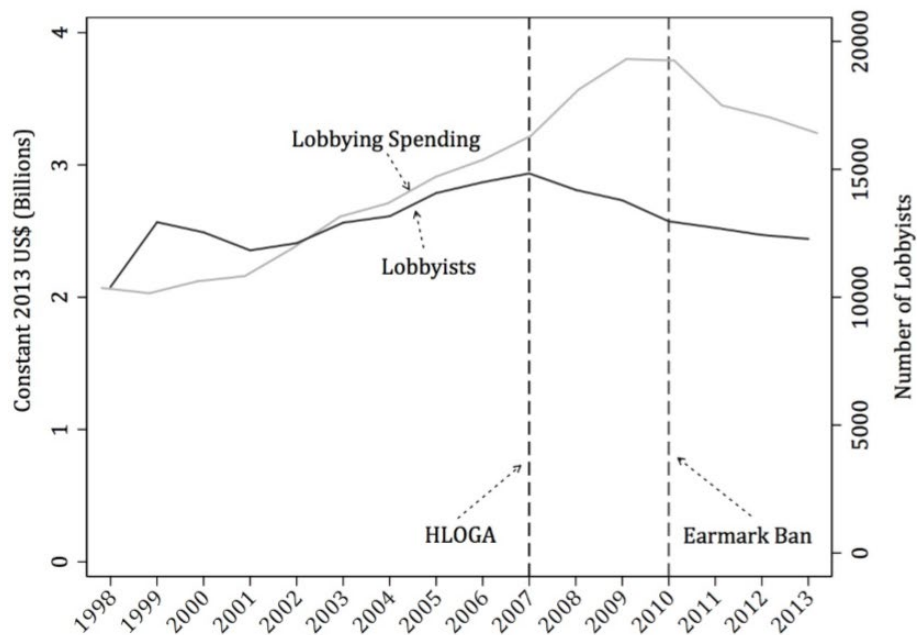


Figure 2: Number of Lobbyist and Lobbying Spending, 1998-2013
Source: LaPira, 2015

The decrease in expenditures came with the 2010 earmark ban for for-profit organizations (in 2011 earmarks were banned for all other types of organizations) (LaPira, 2015). La Pira’s “lobbying in the shadows” argument allows for the possibility that organizations lobby but keep their employees below the 20 percent threshold; it is a compelling and promising line of inquiry. It is also possible that after the earmark ban, more lobbying took place at federal agencies, but no research yet addresses this possibility.

There is reason to examine lobbying registrations and expenditures separately and together. Most research usually looks at one measure or the other. Notable studies like de Figueiredo and Silverman (2006) look at expenditures, while Baumgartner et al (2009) and Drutman (2015) look at registrations. Although Drutman discusses both measures, he focuses on registrations because he says the two measures correlated at 0.85 and are therefore

interchangeable. That may have been true until the end of his study time frame. But, that correlation seems to dissolve after HLOGA of 2007, as La Pira's figure above shows. Examining registrations only could also miss out on a possible story about the intensity of lobbying at the organizational level over time: not just whether an organization cares enough to lobby, but how much does it care?

2.2.3 Regulations, Lobbying, and the Media

Corporate lobbying spending is linked not only to government spending, but is also in response to regulations, including those covered by the media. Both Republican and Democratic leaders implement regulations to hold organizations accountable¹¹, eliciting a corporate lobbying response. This response often takes the form of blocking proposals (McKay and Yackee, 2015). Federal regulations in 2012 cost corporations an estimated \$2.03 trillion (Crain & Crain, 2014), and a recent survey of 60 corporate lobbyists showed that their top reason to lobby was the "Need to protect against changes in government policy (or other government actions) that could be harmful" (Drutman, 2015). Concern about regulations and compliance issues was highly correlated with lobbying spending across 53 issues and 31 companies in 2007¹² (Drutman, 2015: 74).

The corporate lobbying response to regulations is illustrated by Microsoft's situation. The Microsoft Corporation spent nothing on lobbying in 1995. Then, when the United States Justice Department attempted to break up Microsoft's monopolization of the software market in the late 1990s, the company spent \$2.12 million by 1998, and \$6.38 million in 2000, with additional

¹¹ For example, Republican President Ford in 1974 required new federal regulations to include a cost-benefit analysis, which was followed by Democratic President Carter's additional cost efficiency mandates (Drutman, 2015: 59).

¹² The correlation was "between each company's 2007 lobbying expenditures and the value [as reported in a survey] that company's lobbyist placed on different reasons for being active" (Drutman, 2015: 74).

millions in campaign contributions (Lowery, 2007). Famously, the tobacco industry lobbied “for survival” (Lowery, 2007) for decades against increasingly stringent government regulations, and Enron frequently sought to eliminate regulations (Hart, 2004). Thus, it is clear that corporate lobbying is often prompted by regulations that could affect an organization’s bottom line.

Much lobbying takes place in the implementation stage, as federal agencies create rules to guide spending and restrictions authorized by legislation. Of more than 600,000 lobbying reports filed between 1998 and 2012, about 40% of congressional lobbying activity took place after a bill was signed into law (e.g., asking a legislator to nudge an agency); among agency lobbying activities, about half took place after a bill became law (e.g., lobbying to get favorable regulatory language)¹³ (You, 2017).

Lobbying activity increases as governmental attention¹⁴ to an issue increases (Leech et al, 2005). A narrow range of issues drive most of the lobbying: a major study¹⁵ of hundreds of interest groups across 10 years found that issues like taxation, military, health, environment, and transportation are associated with lobbying registrations. Issues may even be more important than governmental resources¹⁶ in driving lobbying (Leech et al, 2005).

Governmental attention to issues is connected to the media’s coverage of issues. The media’s agenda-setting power is well documented (see Wolfe et al, 2013) and influences legislative agendas: there is a positive and statistically significant relationship between news

¹³ “The LDA requires that names of federal agencies are listed on line 17 of any issue pages in the lobbying disclosure form. The specified agency can be Congress or any bureaucratic or regulatory agency. Unlike lobbying expenditures, the contacted federal agencies are listed separately under each issue in a report” (You, 2017).

¹⁴ As measured by Congressional hearings.

¹⁵ “Our pooled time-series analysis is thus based on lobby disclosure reports and congressional hearings data from 1996 to 2000, covering an average of almost 6,000 registration reports in each of eight time-periods across dozens of different issue-areas. The short-term variable consists of the number of congressional hearings that took place regarding that issue-area during the same six-month period for which lobbying is reported in the disclosure reports. The long-term variable reflects a 10-year moving average” (Leech et al, 2005).

¹⁶ Governmental resources in Leech et al’s 2005 study were operationalized as the amount of federal budget associated with an issue.

agendas and Congressional policy agendas, and “the connection between Congress and the media is growing” (Tan and Weaver, 2007). The issues covered by the media tend to be relatively stable. In 2009, five issues accounted for nearly 60% of news coverage: “government (11.3 percent), economics (11.3 percent), foreign affairs (9.8 percent), health care (9.2 percent), business (7.7 percent), and crime (6.2 percent)” (West et al, 2009). Although only about one percent “of national news coverage from television, newspapers, news Web sites, and radio dealt with education” (West et al, 2009), education is an issue in which media was found to influence the policy agenda (Tan and Weaver, 2007). It seems possible that issues, especially regulatory issues covered by the media, lead to lobbying as did the attention-getting issues cited by Leech et. al. (2005), but more research is necessary.

2.2.4 Direct Lobbying Tactics

Legal definitions and scholarly research breaks lobbying tactics into two types: direct and indirect. The literature suggests that direct tactics are more common to corporations while indirect tactics are more common to grassroots organizations. The Internal Revenue Service defines direct lobbying as: “attempts to influence a legislative body through communication with a member or employee of a legislative body, or with a government official who participates in formulating legislation” (IRS, 2017). It also aligns with an oft-cited definition of “inside” lobbying: “the personal access and contact with legislators so necessary for maintaining good relations with government” (Kollman, 1998).

Conversely, indirect lobbying can be considered any attempt to influence policy without directly contacting legislators. This includes and expands upon the IRS’s definition of “grassroots” lobbying: “attempts to influence legislation by attempting to affect the opinion of the public with respect to the legislation and encouraging the audience to take action with respect

to the legislation” (IRS, 2017) and the frequently referred-to definition of “outside” lobbying: “both the attempt to communicate public support to policymakers (...signaling...) and the attempt to increase that public support among constituents (...conflict expansion)” (Kollman, 1998). Examples of outside tactics include “Talking with the press,” “Mobilizing group members,” and “Organizing letter-writing campaigns” (Kollman, 1998).

Research shows that corporations tend to rely on “direct” lobbying tactics. A review of four major studies across nearly 30 years indicates that organizations use direct tactics the most, including contacting members of Congress, entering coalitions, and presenting research to Congress and staff (Cook, 1998; Drutman, 2015; Kollman, 1998; Schlozman & Tierney, 1986)¹⁷. Although organizations also rely on indirect tactics, direct tactics are more consistently relied upon than outside tactics (Kollman, 1998). The table below shows a summary of the overlapping tactics mentioned by all four studies.

Table 2: Overlapping “Tried and True” Lobbying Tactics Among Four Surveys Across 30 years

Tactic	% orgs using (Schlozman & Tierney, 1986)	% orgs regularly using (Kollman, 1998)	Mean relevance to corporations (1-7 scale) (Drutman, 2015)	Colleges use (Cook, 1998)
Contacting members of Congress/staff directly to present your point of view	98	96	6.1	*
Entering into coalitions with other organizations	90	80	5.5	**
Presenting research results or technical information	92	68	5.1	*
Talking to people from the press & media	86	76	4.4	N/A
Testifying at hearings	99	70	4.1	*
Using issue advertising	31	6	2.7	**

¹⁷ Although the four surveys list many other tactics, most are variations of one another (e.g., Drutman’s “Contacting Congressional staffers directly to present your point of view” vs. “Contacting members of Congress directly to present your point of view”) or were asked specifically to get a sense of a set of tactics (e.g. Kollman’s outside lobbying tactics like “Protesting”).

* Major higher education lobbying techniques prior to 1995 (per Cook’s review)

** Additional higher education lobbying techniques in 1995-96 (per Cook’s survey)

Sources: Cook, 1998; Drutman, 2015; Kollman, 1998; Schlozman & Tierney, 1986.

Colleges also rely on direct tactics: “[h]igher education representatives typically used the same techniques most commonly used by other policy communities to inform public officials about their needs and preferences” (Cook, 1998: 145). Indeed, the most comprehensive study of higher education lobbying notes that colleges relied on five of the six techniques note above (the exception being talking to the press) prior to and including 1995-96 (Cook, 1998). Cook gleaned this data from survey responses from 1,554 public and private non-profit colleges presidents. She also notes that colleges relied on additional indirect lobbying techniques, like “inspiring letter writing campaigns,” “mounting grassroots lobbying,” and “having constituents contact” government officials. However, frequency of use or relevance was not quantified, leaving us wondering about the relative importance of these indirect tactics to colleges, and presenting a research opportunity.

2.3 Non-Profit Organization Lobbying

Scholars for the past several decades have observed that non-profit organizations seem to shy away from lobbying. Logic and some research supports this idea. Non-profits may avoid lobbying due to fear of running afoul of lobbying limits and jeopardizing 501(c)(3) status; they may fear political punishment, lack capacity to interpret complex IRS rules on lobbying definitions and limits (Chaves et. al. 2004). Indeed, a survey of more than 1,700 non-profit executives (excluding hospitals and universities¹⁸) found that 68 percent believed that their

¹⁸ “For technical reasons, hospitals and hospital systems as well as universities were removed from the survey database. Principally, they are egregious statistical outliers, and to include them would necessitate presenting separate statistical findings for samples with and without data from these very large organizations” (Berry, 2003, p. 44).

organizations was not allowed to lobby if it received any government funding (Berry, 2003). This may explain why a subsequent study found that “charitable tax status as a 501(c)(3) organization. . . is inversely related to lobbying level” and no statistically significant support “for the idea that [non-profit] organizations that receive federal grants and contracts lobby more than organizations that do not receive such funds” (Leech, 2006). It may be that 501(c)(3) non-profit status “buys silence” (Leech, 2006) and so non-profits are “seen, but not heard” (Bass, et. al. 2007). Notably, the studies on non-profit lobbying reviewed in this section systematically exclude higher education, leaving a clearly-cut gap in the literature.

But these findings do not mean that non-profits never lobby. Case studies of non-profits across the country show that more government reliance on non-profits, especially those that can mobilize community support, lobby to maintain budgets for fee for service (see review in Chaves, 2004). Recently, some religious organizations have lobbied to rescind the Johnson Amendment, which would allow all 501(c)(3) organizations to engage in partisan politics (Evers-Hillstrom, 2018). Large scale studies show the growth of non-profit lobbying. “From 1996 to 2006,” one study looking at IRS 990 reports found, “the number of 501(c)(3) organizations reporting lobbying expenses grew from 2,625 (1.3 percent of all) to 6,502 (2 percent), outpacing the growth in the number of new non-profits” (Boris and Maronick, 2012). But as with Berry’s 2003 study, institutions of higher education were excluded in this study, and it is not clear how closely IRS 990 data matches with LDA data. Since these studies are not very recent, it is also not clear if non-profits have lobbied less after HLOGA of 2007 and the earmark ban, which came into effect for non-profits in 2011.

Regarding which non-profits lobby, Boris and Maronick (2012) found that “Health, education, and human services organizations represent the bulk (73 percent) of reported lobbying

expenses.” They note that “Non-profit hospitals are on the defensive, making the case for maintaining their charitable status and against charges that they are too commercial.” Another large study of 10,581 non-profit organizations in the Washington, D.C. metropolitan area from 2007-2008 found that 67% engaged in the more broadly-defined advocacy. Of these, 12% hired a lobbyist and 19% were a PAC or PAC-affiliated (DeVita et. al., 2014). DeVita et al. excluded higher education and hospitals “because these organizations tend to be much larger and more complex structures than other types of non-profits.”

2.3.1 Non-Profit Lobbying Spending

Non-profit lobbying spending has been growing; it

more than doubled (in constant 1996 dollars), from \$139.7 million in 1996 to \$382.4 million one decade later. The mean lobbying expenditure in 2006 was \$58,807, up from \$53,245 in 1996. The number of groups spending \$100,000 or more on lobbying was nearly 14 percent in 2006, a 47 percent increase over the roughly 9.5 percent of organizations that spent that much in 1998 (Boris and Maronick, 2012).

Again, larger non-profits were more likely to lobby than smaller ones. This growth over time is shown in the table below.

Table 3: Non-profit lobbying expenditures, 1996-2006 (in 2006 dollars)

<i>Indicator</i>	<i>1996</i>	<i>2001</i>	<i>2006</i>
Number of all reporting charities	199,368	264,411	326,804
Number of reporting charities with lobbying expenses	2,625	4,282	6,502
Percent of all reporting charities reporting lobbying expenses	1.32	1.62	1.99
Mean lobbying expenses	53,245	57,622	58,807
Median lobbying expenses	9,421	10,869	9,340
Total lobbying expenses	139,769,157	246,737,587	382,362,797
Total expenses of lobbying organizations	179,797,239,677	257,785,824,868	488,342,927,990
Total lobbying expenses as a percentage of total expenses	0.08	0.10	0.08

Source: Boris and Maronick, 2012

The D.C.-metro area study also showed that larger non-profits advocate more: “Roughly 80% of non-profits with expenditures of \$1 million or more engage in some type of advocacy. In contrast, 56% of small non-profits and 68% of mid-sized non-profits participate in advocacy” (DeVita et. al., 2014). Non-profits rarely advocate alone: 48% advocated “both alone and in a coalition, 8% alone only, and 44% in a coalition only” (DeVita et. al., 2014). Although this study did not compare how often corporations advocate in coalitions versus how often non-profits advocate in coalitions, the sum of 92% of non-profit organizations relying on coalitions is a very high figure and could be higher than corporate coalitional reliance.

2.3.2 Non-profit Lobbying and Government Resource Dependence

Emerging research suggests that lobbying might be connected to receipt of government funds, supporting the notion of resource dependence. A study using data from the 1998 National Congregations Study (NCS) of 1,236 religious found that 86 percent of Americans “in congregations with government funds are from congregations that engaged in at least one [type of political activity], compared with only 60 percent of people in congregations without government funds” (Chaves et. al. 2004). A 2004 survey of 119 Michigan non-profit organizations found that every additional percentage point increase in the organization’s budget that comes from government revenues is associated with a 0.023 increase in a scale of advocacy mobilization activities (Leroux and Goerdel, 2009). Berry (2003) argues that “There is little question that grant money helps build the infrastructure of non-profits and, in turn, growth in staff and infrastructure facilitates political work” and found a significant correlation between income from government and the amount of lobbying among conventional non-profits¹⁹ ($R^2 =$

¹⁹ Conventional non-profits are non H-electing.

0.28, $p < 0.001$). More broadly, a 2007 study of 311 U.S. non-profit organizations found that groups more dependent on government funding tend to lobby more²⁰ (Salamon, et. al., 2008). Among organizations with an above average share of funding from government, 67% lobbied; 54% of organizations with a below-average share of government funding lobbied. Table 4 below displays the results of this study.

Table 4: The Relationship between Government Funding and Non-profit Lobbying Activity

Share of Funding from Government	% of organizations lobbying		
	Yes	No	Total
Above average	67%	33%	100%
Below average	54%	46%	100%
Total	61%	39%	100%

Source: Salamon et al., 2008

The collection of strong and consistent evidence reviewed in this section suggests that in addition to government-sanctioned non-profit status buying silence, the non-profit sector also buys a voice to secure governmental funds.

2.3.3 Summary and Unanswered Questions

The 1960's protest movement spurred governmental regulations to which corporations responded by lobbying for deregulation thorough to today. Lobbying for deregulation gave private industry more latitude to operate, and lobbying shifted public dollars to corporations; some research shows a general correlation between the growth in government spending and the number of corporate lobbyists. Researchers have looked to new lobbying disclosure data to reveal patterns in corporate lobbying (see Baumgartner et al 2011; de Figueiredo and Silverman,

²⁰ The organizations in this survey did local, state, and federal lobbying; their funding came from all three levels of government.

2006; Drutman, 2015). For example, there is a slight connection between government spending and lobbying registrations, which measure “whether” an organization jumps into lobbying in the first place (Drutman, 2015) and a connection between receipt of government funds and lobbying expenditures, which measure “how much” effort an organization devotes to lobbying (Drutman, 2015; Lux, 2011).

Research on expenditures suggest that organizations recently spent more on lobbying at the corporation level rather than the association level, lobbying more to bring home “a slice” of the large funding pie, but possibly underreport their lobbying effort. The growing body of research generated from Lobbying Disclosure Act data establishes a baseline to compare lobbying behavior by other groups and opens up questions about what happened to lobbying registrations after the 2007 lobbying disclosure legislation and to lobbying expenditures after the 2010 earmark ban.

It is well established that corporations lobby in response to regulations, and to issues to which Congress devotes its attention. This lobbying takes place at the legislative and post-legislative stages. The media has power in setting governmental agendas, possibly suggesting that lobbying occurs in response to accountability regulations issued by Republicans and Democrats alike, some of which are discussed in the media, but more research is necessary to draw firm conclusions. Lastly, studies spanning 30 years document more corporate reliance on direct tactics like sit-down meetings with legislators as opposed to reliance on indirect tactics like publishing ads to garner public support, but it is not known which set of tactics non-profit organizations and colleges most rely.

Non-profit organizations lobby, too. Non-profit lobbying registrations and expenditures have been growing in the early 21st century, especially among health care and education

industries, and the research is clear that non-profit organizations that receive governmental funding lobby more than those that do not. However, unanswered questions remain. The non-profit lobbying literature does not address how non-profits are affected by lobbying accountability legislation and the earmark ban, and it leaves out higher education.

I summarize the research on corporate and non-profit lobbying in the table below, and later apply those metrics to higher education lobbying.

Table 5: Metrics of corporate lobbying

Metric	Findings and sources
Lobbying registrations	<ul style="list-style-type: none"> • Sticky over time (Drutman, 2015) • Slightly connected to government spending (Drutman, 2015) and might follow the availability of governmental funds. • May be systematically underreported after 2007 (LaPira, 2015)
Lobbying expenditures	<ul style="list-style-type: none"> • Less sticky than registrations (Drutman, 2015) • Rises with governmental spending (Figueiredo and Silverman, 2006; Drutman, 2015; Lux, 2011) • Companies more dependent on government resources spent more on lobbying (Lux, 2011) • Larger companies lobbied more than small and medium sized companies (Drutman, 2015). • Shows a recent shift from associational to organizational (“pie, then slice”) lobbying (Drutman, 2015) • Decreased in 2010, after the earmark ban (LaPira, 2015). • Less correlation between registrations and expenditures after 2007 (LaPira, 2015)
Accountability regulations	<ul style="list-style-type: none"> • Corporations lobby against regulations (Drutman, 2015; Hart, 2004; Lowery, 2007; You, 2013) • Much lobbying occurs after a bill is signed into law, and at the agency level (You, 2017). • Lobbying activity increases as governmental attention to an issue increases (Leech et al, 2005), the media helps set and influence agendas (Tan and Weaver, 2007; Wolfe et al, 2013).
Direct tactics	<ul style="list-style-type: none"> • Corporations use direct tactics more commonly than indirect tactics (Cook, 1998; Drutman, 2015; Kollman, 1998; Schlozman & Tierney, 1986)

Table 6: Metrics of non-profit lobbying

Metric	Findings and sources
Lobbying presence	<ul style="list-style-type: none">• Non-profits may shy away from lobbying (Chaves, 2004; Leech, 2006)• Growth in number and percentage of non-profits reporting expenditures 1996-2006 (Boris & Maronick, 2012)• Health and education non-profit lobbying made up 73% of non-profit lobbying expenses (Boris & Maronick, 2012).
Lobbying expenditures	<ul style="list-style-type: none">• Non-profit lobbying spending more than doubled 1996-2006 (Boris and Maronick, 2012).• Larger non-profits lobby more than smaller non-profits (DeVita et al, 2014).• 92% of non-profits advocated as part of coalitions; 8% advocated alone (DeVita et al 2014).
Resource dependence	<ul style="list-style-type: none">• Non-profit organizations that receive governmental funding lobby more than those that do not (Berry, 2003; Chaves et al, 2004; Leroux and Goerdel, 2009; Salamon et al, 2008)

2.4 Contemporary Higher Education Lobbying

I next review the contemporary higher education lobbying literature, finding that the research is thin but raises promising questions for more investigation. I cite literature suggesting that colleges may lobby in less measurable ways, and like in the past, allow others to advocate on their behalf. Then, a handful of studies find that colleges make some efforts to lobby using direct tactics, but leave open questions about long term trends and continued dependence on associations, and whether much has changed since the 1990's. Additional, newer research points to the fact that different types of colleges lobby differently, based on their stakes in government. This latter growing body of research finds that non-profit research oriented schools lobby for research and development dollars, and may do so collectively and individually, based on the specificity of the stakes. Meanwhile, for-profit colleges lobby for Title IV dollars, and colleges of all types lobby in response to accountability measures. Together, these findings raise

important questions about the status of contemporary higher education lobbying, collective action questions, and the question of whether any kind of partnership with government still remains, or whether it resembles that of corporations. Those research questions are presented at the end of this section, and followed by a theoretical framework to methodologically explore them.

2.4.1 To Lobby or Not to Lobby?

In 2003, researchers observing the state of higher education and politics noted: “As a subject of social scientific inquiry, politics of higher education research remains in a state of perpetual infancy, prone to periodic lurches but lacking in sustained and systematic conceptualization and analysis” (McLendon and Hearn, 2003). From the 1970’s “post-breakup” period of higher education-government relations, through to the early 21st century “frayed” relationship, a sparse but strong literature made some important “lurches” to better understand college lobbying. Much of that research is reviewed here to shed light on advancements and on knowledge gaps.

As discussed earlier, in the 1970’s, most college lobbying was to preserve research funding and institutional aid (Gladieux & Wolanin, 1976: 44). A study in the late-1990’s “lurched” the research forward and found that colleges still lobbied to protect research funding and lobbied against new mandates, with five percent of colleges in a 1994 survey saying they had federal relations staff in Washington and 18% of colleges hiring external lobbyists at Washington-based firms (Cook, 1998). In 1997-1999, only Lobbying Disclosure Act (LDA) data showed that 20 percent of nearly 2,400 non-profit colleges lobbied (de Figueiredo and Silverman, 2006). These are the key baseline studies noting how many colleges lobby.

Into the 21st century, a few studies described the higher education lobbying landscape in more detail. The presence of higher education interest groups was positively associated with increases in state capital appropriations to colleges and universities in the 50 states from 1998-2004 (Ness and Tandberg, 2013). Lobbying by 534 two- and four-year public colleges in 15 states increased more than 80% from 2004-2014 (Brackett, 2016). A study using a panel dataset of IPEDS and LDA data from 2005-2014 on 1,185 public and private non-profit institutions found that forty-six percent of public colleges and 48% of private colleges filed to lobby 2005-2014; among these 1,185 colleges, average lobbying spending was \$177,000 (Marsicano, 2019). From 1998 to 2017, publics spent \$676 million, privates spent \$607 million and for-profits spent \$183 million (Marsicano, 2019). For-profits have been spending more in recent years, going from \$3.3 million in 2009 to \$8 million in 2010 (Mettler, 2014: 174). These studies help the literature take steps out of “infancy.”

But is the relative silence about contemporary college lobbying because colleges are themselves silent? Perhaps colleges and universities, the majority of which are non-profit, are like other non-profits and misunderstand their ability to lobby per Berry’s 2003 finding.

It may be that the “Bennett Hypothesis,” the idea that colleges keep increasing tuition as more government aid comes in, is correct, and that as federal financial aid increases, so does tuition (Gillen, 2012)²¹, keeping colleges content with funds and preempting their need to lobby.

Or maybe colleges benefit from the actions of outside advocates. For example, President Obama and a Democratically-led Congress from 2007 to 2010 boosted Pell grant funding, and Senator Jim Webb, a veteran, became “a catalyst” for the post 9/11 G.I. Bill of 2008 which included generous veteran tuition benefits that ended up in college coffers (Mettler, 2014).

²¹ The scholarly research on the Bennett Hypothesis is “mixed and contradictory” (Gillen, 2012).

Or, maybe colleges do lobby, but tracking their efforts is difficult due to systematic underreporting, as seems to be the case in the corporate sector.

Or, the dearth of data may be because the state of play is similar to findings of Cook and De Figueiredo, and a small number of colleges lobby, and the remainder “free ride” on their efforts. Olson’s (1965) free riding theory posits that an interest group member will not join in a large group seeking collective goods because the cost of doing so is not worth the benefit, which is equally distributed among members, or the cost might even get smaller as the group gets larger. Olson states that the way to get members to act is through coercion or the provision of a benefit only to those that participate. Paradoxically, smaller groups are theorized to be more effective because it is easier for a group member to calculate return on investment.

In the succeeding sections, I consider Olson’s theory, along with the possibility that colleges, like corporations, strategically band together to lobby for a collective “pie,” and then shift to organizational level lobbying for an individual “slice.”

2.4.2 Research and Development as a Collective-Private Good

The common thread sown through most studies on higher education lobbying is the observation that colleges lobby for federal research and development funds. Research and development from federal government are essential to non-profit college and university operations. From 2010 to 2014 federal research and development accounted for the majority (56%) of all higher education research and development expenditures; the remaining funds were from federal stimulus (3%) state and local government (6%) internal institutional funds (21%) business (5%) non-profit (6%), and other (2%) sources (Britt, 2015). From 2005 to 2014, research institutions and those with a medical program were more likely to file a lobbying report; the former accounting for about half registrations and 3/4 of expenditures (Marsicano, 2019).

Doctoral-level institutions accounted for a quarter of all institutions in one sample, but were responsible for about half of lobbying registrations (Marsicano, 2019). Larger non-profit colleges were more likely to lobby than smaller colleges, based on enrollment (Marsicano, 2019).

Considering Olson's paradox, it seems possible that colleges band together to first lobby for a commonly-shared collective good, like a large federal research budget, with some colleges free-riding. Then, a campus may break off to lobby for a more private good, like funding for a specific project on campus. This could be considered "pie, then slice" lobbying in the corporate image, and initial research suggests that it is a pattern. For example, in the late 1990s, "a small number of [public and private non-profit] top-tier institutions" lobbied for science policy "such as increased budgets for the National Institutes of Health or more flexible rules governing human subjects" (de Figueiredo and Silverman, 2006)²². So, the remainder may have been free riding. But would the lobbying buck stop there? That is, an individual college stop lobbying because a large group of colleges received funding? It is unlikely, as there is a pattern for private goods to become "increasing[ly] important as a proposed alternative moves through the policy process" (Godwin et al 2013, p.69).

For higher education, the policy process is one where private goods might be accessed with more campus-level individualized lobbying. This can happen in two ways, the first of which is when a bill becomes a law. To secure increasingly private benefits, it may be possible that colleges, like corporations, lobby legislation ex post, as shown by You (2017). Colleges also may lobby administrative agencies, as agency lobbying is important to lobbying organizations writ large (You, 2017). The second way is when colleges lobby through the process of "lettermarking," in "which legislators send letters to federal agencies to which they have

²² For universities with members of Congress on a appropriations committee, a 10 percent increase in lobbying yielded an additional 2.8 percent or 3.5 percent increase in earmarks (de Figueiredo and Silverman, 2006).

appropriated funds in an attempt to send agency funding to projects in their districts,” (Marsicano, 2019). Indeed, interviews with college lobbyists in 2017-2018 suggest that “the once unified higher education lobbying community is beginning to show stress fractures that could lead to more individualized lobbying in future years” (Marsicano, 2019, p.96), with public university lobbyists saying that they hired outside lobbyists to advocate for agency programmatic requests “in addition to [asking for] overall support for the National Science Foundation, the National Institutes of Health” (Marsicano, 2019).

Second, colleges lobby to pursue earmarks, which are campus-level private goods, usually with a research and development purpose. Earmarks propelled college lobbying for decades. The vast majority of the 20 percent of nearly 2,400 non-profit institutions that lobbied in 1997-1999 did so in the pursuit of earmarked funds (de Figueiredo and Silverman, 2006). But what about after the 2010/2011 earmark ban? There is no evidence that lobbying expenditures decreased after the earmark ban among AAU members 2007-2014; in fact, expenditures for in-house lobbyist increased (Marsicano, 2019). This suggests that colleges lobbied individualistically, the way corporations have been lobbying.

Notably, 2010 was the same year when federal stimulus money began to level out, so new research would need to consider college lobbying before and after that year, and how it is tied to availability of research and development funds. The present study makes this consideration. The figure below shows federal research and development funding support to colleges, 1990-2016.

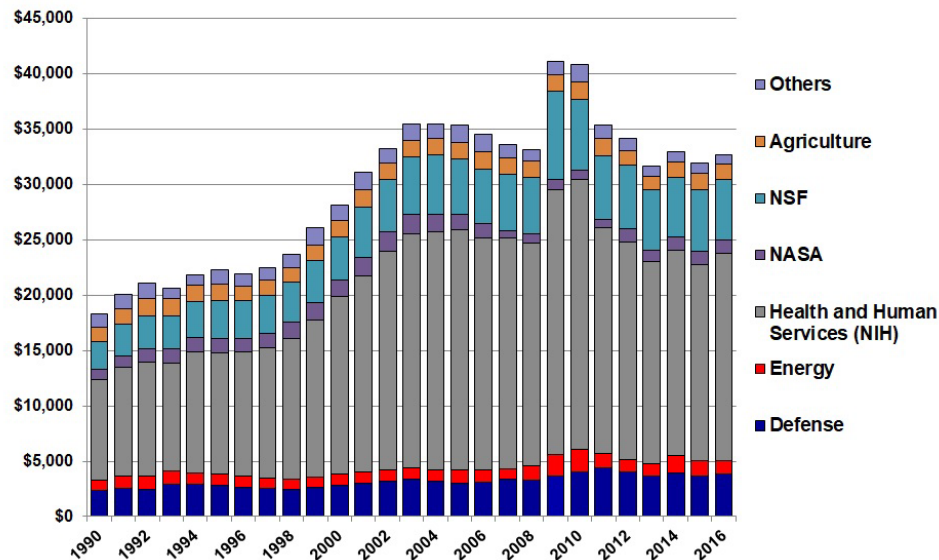


Figure 3: Federal Support for University Research and Development by Agency (in 2018 dollars)

Source: AAAS, 2018

The strong but sparse literature reviewed so far gives baseline data on the connection between college lobbying and federal research and development, suggesting that colleges emulate the “pie, then slice” corporate lobbying paradigm. However, besides Marsicano’s (2019) expenditure findings, the research does little to distinguish lobbying within and across the public, private, and for-profit sectors. Cook (1998) found that private colleges (especially medium and large ones) were more likely than public colleges to hire outside lobbyists, and private college presidents had slightly higher federal relations expertise than public college presidents. This leaves open the question of how different types of colleges seek different types of governmental resources—a question this study aims to answer.

2.4.3 Student Aid as a Collective-Private Good

This section reviews existing research on how colleges lobby for Pell grants. Student aid, which all colleges receive regardless of whether they perform research, seems to be another

collective good, but there is not enough literature to know who is riding on whose coattails. All college may free ride on the advocacy by associations. For-profit colleges may free ride on lobbying by public and private colleges or vice-versa, or all three sectors may free ride upon the lobbying of their students. The unique characteristics of Pell, as compared to research and development funding, may explain this difficulty of understanding. What is clear is that Pell is another common thread sown through the higher education lobbying literature, and the literature sets the groundwork for systematic investigation.

As mentioned earlier, colleges historically lobbied for student aid via their associations (Cook, 1998). This still seems to be the case, as dozens of associations like the National Association of Student Financial Aid Administrators continue to lobby for student aid, though there is more news than research on these efforts. For example, in 2011, the *Washington Post* reported that college presidents and students participated in a “lobby day” on Capitol Hill in 2011 to “save Pell” in an effort organized by the non-profit organization Education Trust (Johnson, 2011). A total of 74 associations joined this effort with a petition that received about 37,000 signatures (Nelson, 2011). This effort underscores Pell’s value as a collective good to higher education.

It is clear that for-profit colleges are much more dependent on Pell grants than are non-profit colleges, so it seems reasonable that for-profits would lobby for Pell. For-profits are so dependent on federal Title IV dollars that the federal government limits such schools to use a maximum of 90 percent of Title IV dollars for their revenues (the so-called “90:10” rule). For instance, in 2007-2008, 23 percent of for-profit received “between 80 percent and 90 percent of their revenue from federal financial aid. . . This [dependence] rose to 35 percent [of all for-profits] in 2009-10 and 38 percent in 2011-12” (Kelchen, 2017).

There are two ways of looking at for-profit lobbying for Pell. On the one hand, there is initial evidence that correlates the increase in Pell grant availability with the rise of for-profit lobbying (to relax rules to keep more Title IV federal aid dollars flowing). For-profit colleges collectively boosted their campaign contributions and lobbying expenditures, the latter rising from \$3.3 million in 2009 to \$8 million in 2010 (Mettler, 2014: 174) years when Pell availability increased the most rapidly in the program's history, as shown in the figure below.

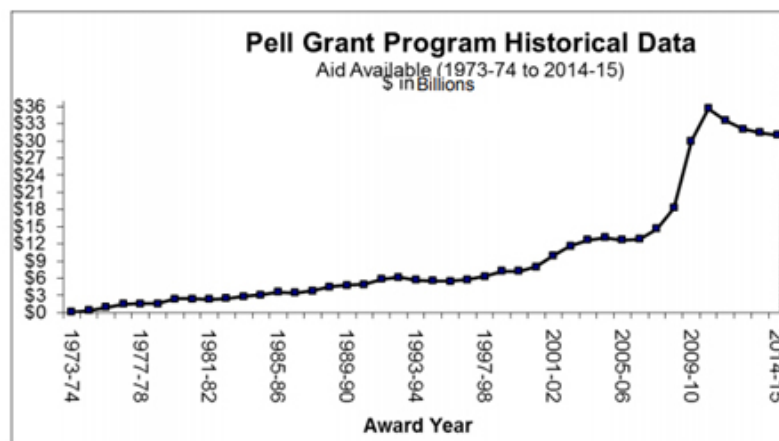


Figure 4: Pell Grant Program Historical Data, 1973-2015

Source: U.S. Department of Education, 2018

A multivariate analysis could determine the direct connection between for-profit lobbying expenditures and Pell receipts. It may be possible that non-profit colleges free-rode on for-profits' lobbying effort.

On the other hand, since Pell grants are allotted to students based on need, and students can port the funding to any college they choose, Pell could be considered a collective good that benefits all students and all colleges equally; thus, it seems theoretically possible that for-profit colleges would not expend much effort lobbying for Pell, and decide instead chose to increase their enrollments. Indeed, "Fall enrollment in for-profit degree-granting institutions grew by more than 100-fold from 18,333 in 1970 to 1.85 million in 2009. During that same time period,

total fall enrollment in all degree-granting institutions increased 2.4-fold from 8.58 million in 1970 to 20.43 million in 2009” (Deming et. al. 2012). Pell receipts would rise correspondingly with enrollments, but it does not seem likely that the millions in lobbying expenditures by profit-incentivized institutions were spent if there were no return on investment. A multivariate study would help determine the association between Pell grant availability and for-profit lobbying, controlling for enrollment, over time.

Together, there is some evidence that non-profit colleges, for-profit colleges, and college students all lobby for Pell, but it is not clear how colleges differentially lobby for this collective good. Multivariate research could attempt to isolate independent effects of things like sector, size, and budgets over time that were found to be important in research and development lobbying literature, and the broader non-profit literature. This might help unravel the collective action paradox, and allow comparison of college lobbying to corporate lobbying.

2.4.4 Collective Action Due to Non-Material Reasons

The examples above discuss why and how colleges may lobby for materials benefits like funding, but colleges may collectively act for additional reasons, which I next review.

As Olson (1965) notes, groups may be maintained due to coercion. In surveying why college presidents joined and stayed in higher education associations, Cook (1998) found that “peer pressure keeps institutions in the associations,” association board members wanted to “avoid the stigma of withdrawal,” and “presidents may feel that nonparticipation would be a public sign of institutional fragility.”

Colleges may band together for “solidary” or “purposeful” benefits that James Q. Wilson adds to Olson’s material considerations. Solidary benefits are intangible and include “the pleasures of friendship and companionship, the self-esteem and prestige attached to being

respected by others, the thrills and ego-trips concomitant to rubbing elbows with the powerful and emerging victorious from the political fray. . .” (Schlozman & Tierney, 1986: 129). This may be a phenomenon applicable to the higher education community, in which research-heavy colleges experimented in low-cost, high-enrollment Massive Online Open Courses (MOOCs) to seek prestige and economically compete, with larger colleges more likely to adopt MOOCs, (Pheatt, 2017). Indeed one college president said in an interview that “the glamor schools tend to be taken as the model” in defining association lobbying agendas (Cook, 1998: 92).”

Wilson’s purposeful incentive “is the belief in the goals of the organization and the sense of satisfaction that derives from contributing to a cause in which one believe” and

animate not only those who support organizations with altruistic purposes — for example, charities and advocacy groups — but also those who support private interest groups, not out of a desire to take advantage of the selective benefits available to members, but out of a sense of responsibility for assuming a fair share of the collective burden in furthering the cause (Schlozman & Tierney, 1986: 129).

It seems possible that colleges, most of which are public-serving, mission driven institutions, may band together to lobby, and *not* free ride, out of a desire to be in the game of politics or out of a sense of fairness. Indeed, Cook notes that colleges desire to speak with “one voice,” a goal of its own (Cook, 1998, p. 117).

Whether due to material, solidary, or purposeful motivations, colleges likely lobby to expand the size of the federal research and development and Pell grant collective pie. Future research can shed light on what they do next. Do they add additional lobbying effort to secure private benefits for individual campuses?

2.4.5 Accountability Regulations and Lobbying

All types of colleges seem to lobby against accountability measures. In the 21st century, Democratic and Republican politicians converged on a belief that “good schools [are] ones that

have efficiently used their resources to yield improved student academic achievement as measured by test scores” (Cuban, 2004) and apply this philosophy to higher education. For instance, beginning in the 1990’s and continuing beyond the Great Recession, state governments aimed to hold colleges accountable by linking funding to college outcomes on graduation and transfer rates, job placement, and student retention (Dougherty, Jones, Lahr, Natow, Pheatt, and Reddy, 2016). More recently, the Postsecondary Institutional Ratings System (PIRS) proposal of 2013 would have rated colleges based on affordability metrics, a measure the media reported that colleges from every sector lobbied against (Stratford, 2014). One observer central to this debate observed:

‘The higher ed lobby doesn’t want any accountability—they want money, and they want money without limitations, without restrictions, without accountability to anybody outside the academy,’ said David Bergeron, who served as Obama’s acting assistant secretary for postsecondary education before joining the Center for American Progress, a Democratic think tank that’s close to the administration (MacGillis, 2012).

However, no quantitative data directly connects how many colleges lobbied in response to regulations or what they spent doing so.

In 2010s, Title IX of the Higher Education Act, which bans gender discrimination at colleges that receive federal funds, has been implemented to hold colleges accountable to address sexual harassment complaints. Student complaints spiked in 2011 after a “Dear Colleague” letter from the Obama administration’s Education Department. . . urged colleges to investigate and resolve student reports of sexual misconduct. . .the civil-rights office reviewed more than 387 individual complaints of sexual violence filed between 2011 and 2016” (Lipka, 2015). Many of these complaints were highlighted in the media. Attesting to the importance of regulations to colleges, higher education interest groups have been found to exercise power in technical

bureaucratic matters (Natow, 2015)²³ seeming to align with Leech's 2006 finding that non-profit lobbying takes place at federal agencies.

The for-profit college sector in particular most likely lobbies in response to accountability regulations. For-profit colleges in the 21st century fought rules that would pose threats to their business model; the rules required that the colleges meet "gainful employment" regulations for colleges, relating to student debt and income. In 2010, for-profit colleges flooded the U.S. Department of Education with 83,000 public comments in opposition to the rules, met with White House officials, and placed ads in newspapers in a concerted lobbying campaign (Mettler, 2014). It is likely that the jump from \$3.3 million in for-profit lobbying expenditures in 2009 to \$8 million in 2010 fueled many of these activities, as well as lobbying in response to the related "90:10" rule.

These rules were implemented in part as a response to dramatic accounts of students being bilked by for-profit colleges. For example, as Assistant Director, Office of Servicemember Affairs, Consumer Financial Protection Bureau, Hollister Petraeus testified before Congress, and wrote and op/ed in the *New York Times* saying that "military personnel and their families are finding themselves under siege from for-profit colleges"; the PBS show "Frontline" highlighted how a for-profit college recruiter enrolled Marines with serious brain injuries (Petraeus, 2011). Soon after in 2012, the Democratically-led Senate education committee released a report after two years of investigation that found "overwhelming documentation of exorbitant tuition, aggressive recruiting practices, abysmal student outcomes, taxpayer dollars spent on marketing and pocketed as profit, and regulatory evasion and manipulation" (Lewin, 2012). Then,

²³ Interest group regulatory impact depends on the technicality and prominence of the rules (Natow, 2015).

Department of Education in October of 2014 released new rules requiring for-profit colleges to ensure that their graduates are gainfully employed²⁴.

2.4.6 Direct Tactics

As noted earlier, corporations tend to rely on direct tactics more than indirect tactics. Some recent research finds that colleges lobby with direct tactics: building on Cook's 1998 study noting college use of direct tactics, a 2005 study showed that colleges rely on "in-house" college lobbyists (college employees paid to lobby) to lobby directly²⁵ (Ferrin, 2005). Although the most frequently used tactic by the 105 lobbyists in this survey was the direct tactic of "personal communication with legislators," the third-most reported tactics was the indirect tactic of "contact by influential constituent" (Ferrin, 2005: 188), suggesting that colleges consider indirect tactics very important, and that they may do things differently from corporations.

2.4.7 Summary and Unanswered Question

The dearth of literature on higher education literature may be because colleges still get what they want without lobbying. Harkening to the 20th century's "parastate," contemporary college presidents may quietly lend their expertise and leverage their community impact to gain access to policymakers. Or, as in the past, others (like U.S. presidents and veterans groups) may do the legwork for colleges. Although some research finds that colleges lobby—for earmarks, for research, against accountability regulations, and with direct tactics—very few of these studies track higher education registration, expenditures, and tactics over time, leaving us wondering if colleges still lobby the way they did in the 1990's, primarily through their associations rather

²⁴ Gainful employment rules are often proposed and challenged; under the 2014 the rules, colleges could not allow graduates' student loan debt payments to exceed 12% of their income and 30% of their discretionary income. Further, programs whose graduates exceed these levels will have to warn students and risk becoming ineligible for aid (Field, 2014).

²⁵ My last two government relations jobs were newly-created positions, at a large private university and a mid-sized private graduate college of education, which suggests to me that the in-house lobbyist trend is growing.

than at the campus level, or maybe “lobby in the shadows,” systematically underreporting their lobbying registrations and expenditures. It might also be possible that only a handful of colleges actually lobby, while the remainder free ride upon those efforts.

Emerging evidence indicates that the different college sectors lobby differently, usually based on their resource dependence. For example, there seems to be a connection between lobbying and college dependence on federal research dollars: colleges band together to lobby for large federal research budgets, and then break away to secure agency and earmark funding at the college level, resources on which colleges are dependent at the campus level. Less is known about this process in the 21st century, when federal funding for research was level except for a huge spike after the Great Recession. Was this funding boost simply a matter of government using colleges to help stimulate the economy? Did public and private university lobbying follow the availability of money in a “pie, then slice” manner? Did they do so in a different manner given their sectoral difference?

Student aid is another collective good for which colleges lobby. It is clear that all sectors care about, and lobby for, aid like Pell grants. It is also evident that for-profit schools rely on federal student aid dollars, but there is not much data on how they lobby to secure Pell grants. It may be that they simply increase their enrollments to boost budgets. It may also be that non-profit colleges free ride on the lobbying of for-profits, and that all types of schools free ride upon student or outside organization lobbying.

Colleges lobby for other reasons besides securing funding. Although they may band together to lobby for increased federal funding pots, they may not free ride due to solidary or purposive motivations. Additionally, all types of colleges have been the target of government accountability regulations. Anecdotal evidence indicates that colleges lobby in response to high-

profile accountability measures—for-profit colleges in particular seem to respond to gainful employment regulations.

Lastly, it seems that colleges rely on direct tactics and indirect tactics, but the dearth of research means that it is unclear which set of tactics are more important to colleges. This question is important to answer because it will allow us compare higher education lobbying to corporate lobbying, the latter of which appears to depend more heavily on direct tactics.

A systematic, longitudinal investigation into higher education registrations, expenditures, and tactics across public, private, and for-profit sectors would help answer these questions and start to paint a more complete picture of the contemporary higher education lobbying landscape. A summary of this section’s findings on contemporary higher education lobbying is in Table 7 below.

Table 7: Summary of contemporary higher education lobbying

Finding	Summary and sources
Colleges may not actively lobby	<ul style="list-style-type: none"> • Recent studies describe college lobbying: about half of public and private colleges lobbied 2005-2014 (Marsicano, 2019) and for-profits colleges boosted their spending in recent years (Mettler, 2014). • But vestiges of the parastate may remain, with college presidents lending their mystique (McMillen, 2010) and leveraging expertise (Adler, 2007) to influence policy. • Tuition flows to colleges (Gillen, 2012) possibly preempting the need for colleges to lobby. • U.S. Presidents and veterans lobby for G.I. Bill funding (Mettler, 2014) possibly preempting the need for colleges to lobby. • The dearth of evidence on college lobbying may be because most colleges “free ride” on the lobbying of a few (Olson, 1965).

Importance of research & development to non-profit colleges	<ul style="list-style-type: none"> • Research institutions were more likely to file a lobbying report and accounted for $\frac{3}{4}$ of lobbying expenditures (Marsicano, 2019). • Public college lobbying expenditures increased more than 80% from 2004-2014, with research-oriented schools spending about 10 times more than community colleges (Brackett, 2016). • Top-tier non-profit colleges lobbied to increase the research and development “pie” (de Figueiredo and Silverman, 2006) • About 20 percent of all non-profits lobbied in 1997-1999 (de Figueiredo and Silverman, 2006)
Research and development as a collective-private good	<ul style="list-style-type: none"> • Some public universities lobbied for agency programmatic requests (Marsicano, 2019). • The vast majority of colleges that lobbied in 1997-1999 did so for earmarks (de Figueiredo and Silverman, 2006) • AAU members did not decrease their lobbying after the 2011 earmark ban (Marsicano, 2019).
Student aid as a collective-private good	<ul style="list-style-type: none"> • For-profits heavily depend on Pell grants (Kelchen, 2017). • For-profit colleges spent \$3.3 million lobbying in 2009 and \$8 million in 2010 (Mettler, 2014: 174), year, when Pell grant availability spiked.
Importance of accountability regulations	<ul style="list-style-type: none"> • Popular among policymakers (Dougherty, Jones, Lahr, Natow, Pheatt, and Reddy, 2016), (Stratford, 2014). • Important across all sectors of colleges (Stratford, 2014) eliciting a lobbying response (MacGillis, 2012). • Lobbying takes place in the regulatory process among non-profits (Leech, 2006), higher education generally (Natow, 2015) and by for-profit colleges (Mettler, 2014).
Reliance on direct tactics	<ul style="list-style-type: none"> • College lobbyists rely on direct tactics and indirect tactics (Cook, 1998; Ferrin, 2005).

Investigation into college lobbying behavior in the 21st century would not only update the literature to fill these gaps, but would be interesting because of the fluctuations in available government resources (pre- and post-Great Recession), the growing role of the for-profit sector, and the rising reaction to accountability measures issued from both sides of the aisle. Such an

investigation would also compare college lobbying to corporate lobbying, situating higher education lobbying within the broader, more developed interest group literature. It would also provide a baseline of research to examine the lobbying by many other non-profit organizations that are prohibited from making campaign contributions, but vie to have their voice heard in Washington, D.C., and state capitals.

2.5 Research Questions

The research on the history of higher education-government relations suggests that Americans towards the end of the 20th century lost faith in the “education gospel” and stopped trusting academics. The protest movement of the late 1960’s, quickly succeeded by the populist movement that extends through to today, perpetuated the frayed higher education-government relationship. From the 1980’s through to today, leaders and everyday Americans looked to capitalism’s privatization, markets, and competition to steer social, economic, and educational life, while political polarization erodes faith in higher education, suggesting a frayed government-higher education relationship. Do colleges still sit back and let others do their bidding, or have they learned to lobby to protect their stakes? And if so, how do they do it?

Initial research on college lobbying in response to mid-1990’s funding cuts shows that colleges do in fact lobby, but we do not know much more than that. However, newer lobbying registration and expenditure data is now available, presenting researchers with lots of data to situate contemporary higher education-government relations within the broader interest group literature—to apply the metrics of corporate lobbying to higher education. Specific questions about higher education lobbying arise:

1. What are the characteristics of American colleges that lobby?

2. How have lobbying registration laws and the earmark ban affected college lobbying in recent years?
3. Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?
4. Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?
5. Why would an individual college lobby if others are taking action?
6. How do external pressures like media attention affect lobbying?
7. Which tactics do colleges use to lobby?

Investigation into these questions may help us answer a bigger, eighth question: *Do colleges lobby like corporations?*

2.6 Theoretical Framework

To investigate these research questions, I apply what is known about interest group lobbying to what is known about contemporary college lobbying, and offer three possibilities:

Possibility 1: Colleges do not lobby much or at all because they are still in good favor with government.

In this scenario, like in the pre-frayed era, colleges rest easy as government funds flow their way. Government still looks to higher education to fulfill important national goals, such as military research and development as observed by Brint (2019). In other words, strong tendrils connect government to higher education. This scenario would be possible if government and interest groups lobby on behalf of colleges, as found in earlier studies (see Cook, 1998; Gladieux & Wolanin, 1976; Hannah, 1996).

However, I do not find this possibility very plausible. Although the case of the post 9/11 G.I. Bill indirectly benefitted colleges, it was spearheaded by a Senator who was a veteran, and supported by outside groups like the Iraq and Afghanistan Veterans of America (Mettler, 2014) with the intention of benefiting students. Likewise, I think that the Pell and federal research and development boost under the 2009/2010 stimulus was just like the original G.I. Bill: an “unexpected windfall” for colleges. The federal research and development dollars Brint (2019) speaks of were often prescribed by the federal government: how can we consider this a partnerships if it is a one-way street?

More broadly, there is no sign of populism and anti-intellectualism fading away. I think that higher education may have ran out of defenders, and may have to stand up for itself by lobbying. The literature review mentioned presidential candidates in 2012 leveraging anti-college rhetoric, and this trend continues to today. In 2016 Americans elected to president Donald Trump, who ran a populist campaign, and from 2005-2010, a for-profit education that was accused of defrauding students (Cassidy, 2016). Trump then appointed school privatization advocate Betsy DeVos to be U.S. Education Secretary. Although Congress still funds NIH, NSF, and other agencies that provide research funding to colleges, anti-science sentiment, including climate change denial, is not only common in populist-conservative circles but has “become yet another of the long list of litmus test issues that determine whether or not you’re a good Republican” a campaign staffer of Presidential candidate Marco Rubio said in 2017 (Davenport & Lipton, 2017).

Anti-college sentiment came into action in 2017 when House Republicans proposed a tax on graduate student stipends, a cap on their student loans, and a tax on college endowments. Graduate students protested (Sullivan & Arnold, 2017) while higher education associations

lobbied “intensely” against the legislation (Kreighbaum, 2018). However, the endowment tax, a “1.4 percent excise tax on net investment income at private colleges and universities with at least 500 tuition-paying students and assets of at least \$500,000 per student” (Seltzer, 2019) passed into law, perhaps attesting to bi-partisan sentiment against colleges, at least very wealthy ones. The left in the in the 2010’s was often skeptical about aspects of education. For example, Democratic President Obama’s Under Secretary for Education Ted Mitchell called for innovation in and disruption of higher education (Pheatt, 2017), “more and better alternatives to traditional institutions” (Lederman, 2016). Education Secretary Arne Duncan called education schools “cash cows” for universities (Medina, 2009). New York Democratic Governor Andrew Cuomo called the k-12 public school system a “monopoly” in need of busting and more competition (Strauss, 2014). Especially since these ideas and policies affected college bottom lines, it seems unlikely that colleges today lay low to sustain attacks and keep on business as usual.

Lastly, although the Bennett Hypothesis implies that colleges maintain themselves via public dollars, possibly preempting the need for colleges to lobby, the above-described events neither paint a picture of colleges resting easy nor one where government funds easily flow their way. Nor do there seem to be instances of officials or interest groups outside of higher education leaping to its defense.

Possibility 2: Colleges lobby, but in their own distinct way.

This is the inertia argument. In this scenario, colleges lobby quietly, leveraging remaining public faith in their expertise and relying on indirect tactics. They sometimes lobby via in sit-down meetings with college presidents who bring gravitas (e.g. Adler, 2007) and rely on their associations—and not really on in-house lobbyists or consultants—to lobby. In a sense, it is

status quo since Cook (1998) found that five percent of colleges had federal relations staff in Washington and 18% of colleges hired lobbying consultants. In this scenario, even in the post-earmark era, colleges just focus on increasing the size of “the pie,” vying to expand federal funding to departments like NIH and NSF as they did in the past (see Cook, 1998; de Figueiredo and Silverman, 2006). This would keep dollars flowing to college and keep them happy “enough” to meet their budgets without overextending themselves and getting into the lobbying game.

I do not think that this possibility is very likely. Rather, it seems possible that colleges have slowly woken up and smelled the threats and opportunities, and that the number of in-house lobbyists cited by Cook (1998) and Ferrin (2005) has grown as has their corresponding lobbying spending. Lobbying Disclosure Act data would allow us to investigate lobbying registration and expenditure trends, and how they connect to receipt of funds. Lastly, it has been nearly 50 years since corporate America has been lobbying to push back against regulations; if higher education is increasingly regulated, maybe it does the same, and does so in the same way.

Possibility 3. Colleges lobby like corporations.

If this scenario is plausible, then the metrics of corporate lobbying will be relevant and applicable to contemporary college lobbying.

In this scenario, as populism and anti-intellectualism continues, colleges are under fire, notice the negative press, and have woken up. Their response is to lobby more like corporations, which have been effective in defending themselves. This idea is based on the theory of memetic isomorphism, which suggests that organizations facing uncertainty adopt the behavior of organizations seen as stable and legitimate (see DiMaggio & Powell, 1983; Meyer & Rowan, 1977). Facing challenges and an uncertain future, colleges look to lobbyists that are successful,

and especially those that are successful in parlaying governmental threats and finding new opportunities; namely, corporate lobbyists. The broader interest group literature shows that in the face of outside challenge in the 1960's and 1970's—from social activist groups and the regulations they promoted—corporate America improved its standing (Drutman, 2015). It seems that lobbying helped corporations have a seat at the policymaking table and secure more public resources, so perhaps colleges today not only lobby, but do so in the corporate image. Non-profit colleges might not even have to look far, with for-profit colleges already lobbying in the midst, noticing that for-profits that are taking away their market share.

As an example of possible memetic isomorphism, the recent corporate shift from associational to organizational lobbying (Drutman, 2015) may mean that more colleges rely on in-house and contract lobbyists, so their five percent and 18 percent respective registration rates found by Cook (1998) are much higher. Campus-level college lobbying is measurable with new data provided by Lobbying Disclosure Act reports, which I intend to test. If colleges are emulating corporations, they may also more heavily rely on direct lobbying tactics. The above-reviewed metrics of corporate lobbying summarized in Table 5 allows us to compare higher education lobbying to corporate lobbying. We should thus be able to attempt to answer the research questions and the possibility that colleges lobby like corporations.

Next, the theory of academic capitalism suggests that universities boost managerial capacity to respond to not only governmental threats but to also seek new external resources (Slaughter & Rhoades, 2004). I think that colleges reflect the corporate environment and retool their operations, hiring lobbyists to avoid threats and seek new markets.

Lastly, the theory of resource dependence implies that organizations pursue government resources differently, based on their dependence on those resources (Pfeffer and Salancik 2003).

To the extent that colleges are dependent on certain federal funds, colleges will lobby to pursue those funds. This appears to be the case for corporations, and non-profit organizations, so it seems plausible that it will be the case for higher education.

To empirically examine Possibility 3 and answer the research questions, I apply the metrics of corporate lobbying to the higher education literature and present four hypotheses:

H1. For-profit colleges with higher Pell Grant dependence will lobby more.

This hypothesis is related to Research Question 3, which asks “Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?” This argument is based on the findings in the corporate lobbying literature that a) corporate registrations are slightly connected to government spending (Drutman, 2015) and b) corporate expenditures rise with more governmental spending (Figueiredo and Silverman, 2006; Drutman, 2015; Lux, 2011). That is, for-profit colleges are resource-dependent on Pell grants, and lobby for it. It is also based on the finding in the higher education lobbying literature that for-profit college lobbying expenditures seem to increase with more availability of Pell grants (Mettler, 2014).

Since the corporate lobbying metrics have not yet been empirically applied to the for-profit lobbying sector, I simply posit a positive association between for-profit lobbying registrations and expenditures and Pell availability and do not venture to guess if one is stickier than the other.

H2. Non-profit colleges with higher federal research and development dependence will lobby more.

This hypothesis is related to Research Question 4, “Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?”

This argument is based on the findings in the corporate lobbying literature that

a) corporate registrations are slightly connected to government spending (Drutman, 2015) and b) corporate expenditures increase with more governmental spending (Figueiredo and Silverman, 2006; Drutman, 2015; Lux, 2011). It is also based on the strong evidence in the non-profit lobbying literature showing that non-profit organizations that receive governmental funding lobby more than those that do not (Berry, 2003; Chaves et al, 2004; Leroux and Goerdel, 2009; Salamon et al, 2008).

It is also based on the finding in the higher education lobbying literature that non-profit colleges spent money on lobbying in pursuit of research and development dollars (see Brackett, 2016; de Figueiredo and Silverman, 2006; Marsicano, 2019). The research does not seem to distinguish the lobbying behavior by private and public non-profit institutions on the federal level. This is likely in part because the higher education lobbying research is underdeveloped and also because federal funding is sector-agnostic: Pell grants are ported by the student, and public and private colleges are treated equally for research funds. So, although in the next chapter I will descriptively explore the connection between lobbying and federal research and development dependence differentially among public and private colleges, for the purposes of this hypothesis, in the multivariate analysis I will group together public and private colleges.

Analogously to Hypothesis II, I posit a positive association between public and private lobbying registrations and expenditures and research and development availability and do not venture to guess if one is stickier than the other.

H3: All sector spending and registration is positively correlated with media coverage of

accountability regulations.

This exploratory hypothesis is related to Research Question 6, “How do external pressures like media attention affect lobbying?” It is based on findings in the corporate lobbying literature that corporations lobby against regulations (Drutman, 2015; Hart, 2004; Lowery, 2007; You, 2017) that lobbying activity increases as governmental attention to an issue increases (Leech et al, 2005), that the media helps set and influence agendas (Tan and Weaver, 2007; Wolfe et al, 2013) and leading to the possibility that regulations are among those issues covered by the media, drawing a lobbying response.

This argument is also based on the finding in the news that regulations are important across all sectors of colleges (Stratford, 2014) and elicit a lobbying response (MacGillis, 2012). It is also based on the finding that lobbying takes place in the regulatory process among non-profits (Leech, 2006), higher education generally (Natow, 2015) and by for-profit colleges (Mettler, 2014). Lastly, it is based on the possibility that regulations, like gainful employment (Mettler, 2014) appear in the news, eliciting a lobbying response from for-profit colleges, and regulations like Title IX sexual harassment (Lipka, 2015) reach the news and draw a lobbying response from non-profit colleges. At a minimum, it seems that media coverage of regulations is a credible indicator of regulatory pressure.

H4. Public, private, and for profits employ similar lobbying tactics, with for-profits relying more on direct tactics.

This exploratory hypothesis is related to Research Question 7 “Which tactics do colleges use to lobby?” and is based on findings in the corporate lobbying literature that corporations seem to rely more on direct rather than indirect tactics (Cook, 1998; Drutman, 2015; Kollman, 1998; Schlozman & Tierney, 1986). Although college lobbyists rely on direct tactics and indirect

tactics (Cook, 1998; Ferrin, 2005), the argument is based on the logic that for-profit colleges, as corporations, will generally rely more on direct tactics than their non-profit counterparts. The table below shows how research questions match up with hypotheses.

Table 8: Research Questions and Hypotheses

Research Question	Hypothesis
1. What are the characteristics of American colleges that lobby?	
2. How have lobbying registration laws and the earmark ban affected college lobbying in recent years?	
3. Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?	Hypothesis I: For-profit colleges with higher Pell Grant dependence will lobby more.
4. Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?	Hypothesis II: Non-profit colleges with higher federal research and development dependence will lobby more.
5. Why would an individual college lobby if others are taking action?	
6. How do external pressures like media attention affect lobbying?	Hypothesis III: All sector spending and registration is positively correlated with media coverage of accountability regulations
7. Which tactics do colleges use to lobby?	Hypothesis IV: Public, private, and for profits employ similar lobbying tactics, with for-profits relying more on direct tactics
8. Do colleges lobby like corporations?	

Chapter 3: A Quantitative Look at the Prevalence and Intensity of Higher Education Lobbying

3.1 Introduction

In this chapter I present a quantitative look at the prevalence and intensity of higher education lobbying at the federal level. Chapter 2 left us with a framework to compare higher education lobbying to corporate lobbying, initial research to build from, and unanswered questions to explore. The goal of this chapter is to explore four of the research questions (RQs) derived in Chapter 2: RQ1) What are the characteristics of American colleges that lobby? RQ2) How have lobbying registration laws and the earmark ban affected college lobbying in recent years? RQ3) Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so? RQ4) Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?

Knowing more about these questions will help answer the central research question: do colleges lobby like corporations? To explore these questions, I rely on quantitative methods. I leverage a new database I created, the American Higher Education Lobbying Database, with data on higher education lobbying. I use the database to generate new findings about colleges that lobby, and the connection between lobbying and its ostensible results at the federal level: Pell grants and federal research and development dollars.

The flow of the chapter is as follows. I describe the data components of the American Higher Education Lobbying Database, unit of analysis, time frame, database creation process, college characteristics, and analytic technique. I provide descriptive results for characteristics of all colleges and universities in the sample; characteristics of colleges that lobby; an overview of lobbying registration and expenditure trends; and highlight examples of high Pell- and federal

research and development-dependent institutions. These descriptive findings begin to address the first two research questions.

I then test Hypothesis I—that for-profit colleges with higher Pell Grant dependence will lobby more—with a descriptive and multivariate analysis. I provide a summary of findings regarding for-profit colleges and how those findings address Research Question 3.

Lastly, I examine Hypothesis II—that non-profit colleges with higher federal research and development dependence will lobby more—with a similar descriptive and multivariate analysis, and summarize findings regarding non-profit colleges and how those findings address Research Question 4.

Together, the results of within this chapter should make new contributions to the growing research on higher education lobbying and generate new questions to continue the conversation on this important topic.

3.2 Methodology

3.2.1 About the American Higher Education Lobbying Database

I created the American Higher Education Lobbying Database, a panel dataset covering 11 years (2004-2014, inclusive), by merging data about B.A. granting institutions from three federal datasets and into a single database. The three datasets are:

- 1) The Integrated Postsecondary Education Data System (IPEDS) a set of surveys conducted annually by the Institute for Education Sciences of the United States Department of Education. IPEDS contains information about every college and university in the country, such as location, sector, enrollment, and finances, and Pell Grants received. Pell Grants have been shown to be an important motivation to lobby (see Mettler, 2014). Emerging research on higher education lobbying draws from IPEDS college characteristics data (see Marsicano, 2019).

2) The Higher Education Research and Development (HERD) Survey, conducted annually by the National Science Foundation's (NSF) National Center for Science and Engineering Statistics (NCSES). This survey summarizes federal research and development funds directed at American colleges and universities, which have been shown to be a motivation for college lobbying (see de Figueriredo & Silverman, 2006).

3) The U.S. Senate Office of Public Records lobbying disclosure database, as formatted by the Center for Responsive Politics (CRP). This database contains direct lobbying expenditure by organizations registered to lobby under the Lobbying Disclosure Act (LDA), including colleges. LDA data only tracks IRS-defined "direct" lobbying activity (like legislative lobbying by in-house lobbyists or consultants).

This original database captures approximately 2,000 colleges in each of the 11 years from 2004-2014, inclusive; the colleges are bachelor-granting institutions that participate in federal Title IV student aid funding, and are in the public, private non-profit and for-profit sectors. The sample was culled down from the raw IPEDS dataset, which surveys about 7,300 schools in a typical year. To meet selection criteria, colleges must 1) operate in at least one of the 50 states or Washington, D.C. 2) participate in federal Title IV funding 3) offer programs in four years or more 4) not be theological seminaries and other specialized faith-related institutions 5) not be military institutions.

The approximate percentage of institutions excluded in a typical year based on each of these criteria were: 1) do not operate in at least one of the 50 states or Washington, D.C.: 2%; 2) do not participate in federal Title IV funding: 3%; 3) do not offer programs in four years or more: 60%; (see Table A1 in Appendix A for a breakdown); 4) are theological seminaries and

other specialized faith-related institutions: 4%²⁶; 5) are military institutions: 0.01%. The remaining approximately 2,000 B.A.-granting colleges resemble those that are typically examined in recent research.

3.2.2 Unit of Analysis

In this chapter, I analyze lobbying at B.A.-granting colleges, primary to build upon extant literature. In examining B.A.-granting colleges, this study is not only in harmony other recent systematic analyses of higher education (see Brackett, 2016; Deming, 2011; Marsicano, 2019) but also aligns with other recent studies on college lobbying, which have found that B.A.-granting institutions are very active in lobbying for federal Title IV student aid dollars (see Mettler, 2014) and lobby for research dollars (see de Figueiredo, 2006).

3.2.3 Time Frame

The study covers the years 2004 to 2014. I chose this time frame for several reasons. First, the literature on higher education lobbying brings us to about this time. Studies that empirically investigate higher education lobbying trends use survey data (e.g., Cook, 1998) and Lobbying Disclosure Act (de Figueiredo and Silverman, 2006) that bring us to about 1999 except for a couple of recent dissertations (e.g. Brackett, 2016; Marsicano, 2019). More recent studies tend to be theoretical and anecdotal: Mettler (2014) and Cottom (2017) examine for-profit college lobbying efforts, and Nichols (2017) discusses declining public faith in higher education. Second, the 2004-2014 time frame saw significant changes in the economy, such as the Great Recession of 2008-2009, the subsequent federal stimulus with Pell and federal research and development boosts, and changes to the higher education industry, such as the explosion of the

²⁶ Note that the approximately 4% of institutions that identify as theological do so via the Carnegie classification; Carnegie also has an “item not available” classification, which allows many theological institutions to be included my database. The primary and most effective filter for my database is whether or not an institution is Title IV eligible, since that allows for Pell receipts.

for-profit sector. Third, it was a time noted for much federal government action, including a focus on sexual assault reporting (Lipka, 2015) accountability measures like the U.S. Department of Education’s “gainful employment” regulations in 2010-2013 for for-profit colleges relating to student debt and income, and the Postsecondary Institutional Ratings System (PIRS) proposal of 2013 to rate colleges based on affordability metrics (see Stratford, 2014). Fourth, major higher education federal legislation was passed during this era:

2007: College Cost Containment and Access Act raised Pell funding levels

2008: Higher Education Act reauthorized, raising Pell and education benefits for veterans

2008: Post 9/11 GI Bill, providing more education benefits for veterans

2009: Federal Stimulus, increased Pell funding

2010: Student Aid and Fiscal Responsibility Act shifted loans to the Direct Loan program.

Fifth, the time frame captures significant partisan changes in the White House and in Congress, but ends before Donald Trump’s 2016 presidential election victory.²⁷ Sixth, the Integrated Postsecondary Education Data System (IPEDs, discussed in more detail below) data became consistently available and reliable after 2004. Seventh, my own career as a higher education lobbyist began in 2006, giving me much familiarity of the topics and debates within this era.

3.2.4 Data Aggregation Process

Each college appears in the database like its own mini-dataset. The table below shows how a typical college (based on median enrollment) appears in the database.

²⁷ The time frame ends at this time because I began assembling the database in 2015, when the most recent available data was from 2014.

Table 9: Snapshot of the median database college based on enrollment

Campus ID	System ID	College name	Year	Registered to lobby	Sector	HBCU	Hospital	Medical Program	Land Grant	Enrollment	Lobbying expenditure	Pell receipts	R&D receipts	Budget
144005	502	CHICAGO STATE UNIVERSITY	2004	1	1	0	0	0	0	3,770	60,000	12,329,209	1,773,057	179,862,432
144005	502	CHICAGO STATE UNIVERSITY	2005	1	1	0	0	0	0	3,836	60,000	12,005,331	2,089,456	144,248,768
144005	502	CHICAGO STATE UNIVERSITY	2006	1	1	0	0	0	0	4,003	60,000	12,141,644	2,487,933	165,834,048
144005	502	CHICAGO STATE UNIVERSITY	2007	1	1	0	0	0	0	3,895	20,000	11,488,572	2,425,233	151,940,928
144005	502	CHICAGO STATE UNIVERSITY	2008	1	1	0	0	0	0	4,038	40,000	12,280,898	2,117,437	143,361,072
144005	502	CHICAGO STATE UNIVERSITY	2009	0	1	0	0	0	0	4,020	0	13,829,316	6,229,238	143,047,232
144005	502	CHICAGO STATE UNIVERSITY	2010	1	1	0	0	0	0	4,320	60,000	19,001,146	1,734,281	153,497,040
144005	502	CHICAGO STATE UNIVERSITY	2011	1	1	0	0	0	0	4,629	80,000	21,834,046	2,119,670	163,529,088
144005	502	CHICAGO STATE UNIVERSITY	2012	1	1	0	0	0	0	4,079	100,000	18,318,180	582,472	154,657,648
144005	502	CHICAGO STATE UNIVERSITY	2013	1	1	0	0	0	0	3,602	60,000	13,893,334	0	152,673,840
144005	502	CHICAGO STATE UNIVERSITY	2014	1	1	0	0	0	0	3,290	150,000	12,762,578	0	150,524,464

Source: American Higher Education Lobbying Database

Characteristics like Sector, HBCU, and Hospital are covariates for the multivariate analysis.

Very rarely, some characteristics change (e.g, a college may add or drop a medical program). In Appendix A I address how I manage these instances for consistency and data cleanup.

This data displayed in the table above is disaggregated by year. However, not every college appears every year, and not every college lobbies every year²⁸. Further, not every college is a “standalone” institution like Chicago State University and may be a university system like the City University of New York (CUNY) with multiple constituent campuses. As most university systems report lobbying data on behalf of the entire system, it becomes difficult to do an “apples to apples” comparison of college lobbying at the campus level. Therefore, in much of the ensuing analysis, I aggregate 1) university constituent campuses to one system level observation and 2) aggregate all institutions by year, so there is one row of data per institution. The table below compares how data shows up in disaggregated and aggregated databases.

²⁸ In fact, some colleges appear and disappear within the 11-year database time frame. See Appendix for data on those colleges that were “born” or “died.”

Table 10: How data shows up in disaggregated and aggregated databases

	<i>How data shows up in disaggregated database</i>	<i>How data shows up in aggregated database</i>
	Campus level data (imputed lobbying expenditure amount, Pell, budgets, enrollment, etc) is disaggregated each year	Each unique institution has one data point for each type of data (eg lobbying expenditures, Pell, enrollment)
Stand-alone institution	<p>College/University A (a college/university with a single campus, like Chicago State University)</p> <p>Campus Year1: var1 var2 var3 ... Year2: var1 var2 var3 ... Year3: var1 var2 var3 ...</p>	<p>College/University A: var1 var2 var3 ... (n=1,826)</p>
University system	<p>University B (a university system with multiple campuses, like CUNY)</p> <p>Campus 1a Year1: var1 var2 var3 ... Year2: var1 var2 var3 ... Year3: var1 var2 var3 ... Campus 1b Year1: var1 var2 var3 ... Year2: var1 var2 var3 ... Year3: var1 var2 var3 ... Campus 1c Year1: var1 var2 var3 ... Year2: var1 var2 var3 ... Year3: var1 var2 var3 ...</p>	<p>University B: var1 var2 var3... (n=130)</p>
Unique number of institutions	2,522	1,956

The figure below shows how I aggregated institution-level data. The text in bold shows how institution level data was aggregated to the standalone level or the system level.

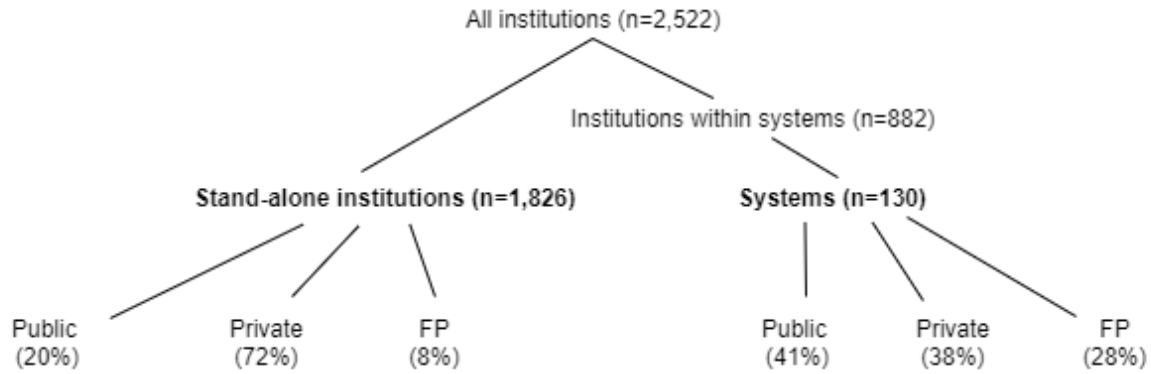


Figure 5: Aggregation of institution-level data into standalone colleges or systems

Thus, the standalone or system-level institutions (in bold)²⁹ become the units of analysis going forward.

3.2.5 College Characteristics

Next, I provide a table describing characteristics I use in the descriptive and multivariate analyses in this chapter.

Table 11: Independent Variables

Variable	Variable code in dataset & .do file	Description	Type and range
Being a member of the Association of American Universities (AAU)	aau	Whether or not a university is a member of the American Association of Universities. Derived from AAU membership rolls 2004-2014.	Dummy. 0=not an AAU member. 1=AAU member

²⁹ There are 882 institutions within systems and 1,826 stand-alone institutions, for a total of 2,708. This number is higher than the 2,522 “All institutions” number in the figure due to instances when some institutions within systems “died” over the course of the 11-year data period. See Appendix A for prevalence and characteristics of these colleges. Similarly, the sum of percentage of public, private, and for-profit systems is slightly higher than 100% because some systems changed from private to for-profit or vice-versa; prevalence and characteristics of these sector changers is in Appendix A.

Total institutional budget	budget_cpi	Total institutional budget. Derived from IPEDS variable F1B25 (“Total all revenues and other additions” for public colleges) F2D16 (“Total revenues and investment return” for private colleges), and F3D09 (“Total revenues and investment return” for for-profit colleges). Adjusted for inflation in 2014 dollars.	Continuous. \$0-\$8,040,000,000
Being a doctoral-level institution	carnegie	Whether or not an institution grants doctoral degrees. Derived from IPEDS Carnegie classifications.	Dummy. 0=does not grant doctoral degrees 1=grants doctoral degrees
Undergraduate enrollment	fteug	Estimated full-time equivalent (FTE) undergraduate enrollment at a college campus. From IPEDS variable FTEUG.	Continuous. 1-39,148
Being a for-profit institution	forprofit	Whether or not an institution is a private for-profit college or university. Transformation of IPEDS “sector” variable.	Dummy. 0=not for-profit 1=for-profit.
Being an HBCU institution	hbcu	Whether or not an institution is a Historically Black College or University (HBCU). IPEDS variable HBCU.	Dummy. 0=is not an HBCU 1=is an HBCU
Having a hospital	hospital	Whether or not an institution has an affiliated hospital. IPEDS hospital variable.	Dummy. 0=does not have a hospital. 1=has a hospital.
Being a land-grant institution	landgrant	Whether or not an institution is a land-grant institution. IPEDS landgrant variable.	Dummy. 0=is not a land grant institution . 1= is a land grant institution
Having a medical program	medical	Whether or not an institution has a medical program. IPEDS medical variable.	Dummy. 0=does not have a medical program. 1=has a

			medical program.
Pell Grant dependence	pellpercbudg (pell_cpi/budget_cpi)	Percentage of a college's budget that is Pell Grant dollars in a given year. IPEDS Pell receipts divided by budget variable. This variable is a variable of interest in analysis throughout this chapter. I consider it an indicator of a college's budgetary dependence on this source of federal dollars. Adjusted for inflation in 2014 dollars.	Continuous. 0%-61%
Being a public institution	public	Whether or not an institution is a public college or university. Transformation of IPEDS "sector" variable.	Dummy. 0=not public 1=public.
Being a private institution	private	Whether or not an institution is a private, non-profit college or university. Transformation of IPEDS "sector" variable.	Dummy. 0=not private 1=private.
Federal research and development dependence	rndpercbudg (rndreceipts_cpi/ budget_cpi)	Percentage of a college's budget that is research & development dollars in a given year. NSF research & development variable divided by IPEDS budget variable. This variable is a variable of interest in analysis throughout this chapter. I consider it an indicator of a college's budgetary dependence on this source of federal dollars. See Appendix for more details on the R&D/budget variable. Adjusted for inflation in 2014 dollars.	Continuous. 0%-62%

Table 12: Dependent variables

Variable name	Variable code in dataset/.do file	Description	Type and range
Lobbying registrations	crpresponder	Whether or not a college registered to lobby in a given year, as filed with the Senate Office of Public Records, and reported by the Center for Responsive Politics.	Dummy. 0= not registered 1= registered
Lobbying expenditures	crpamtcpi	Lobbying expenditures made by a college in a given year. Adjusted for inflation in 2014 dollars.	Continuous. \$0-\$1,785,736

3.2.6 Overall Analytic Technique

A central aim of this chapter is to examine how college characteristics relate to lobbying efforts. I put special focus on two college characteristics: Pell dependence and federal research and development dependence, and how they relate to lobbying registration and expenditures. In this chapter, I first provide a broad quantitative overview by describing college characteristics via tables and figures with means and percentages for these characteristics to show “what’s in” the dataset, to show data over time, and to show different groupings of colleges (e.g. all public college systems that lobby). I then examine relationships between the characteristics of interest and lobbying and use these data to show trends over time.

I summarize findings at the end of each section for ease of reference and to later hold my newly-generated metrics of higher education lobbying to the existing metrics of corporate, non-profit, and higher education lobbying. At the end of the chapter, I consider the results in total, and what questions remain unanswered.

3.3 Descriptive Results

3.3.1 Characteristics of All Colleges and Universities in Sample

The table below compares the characteristics of all colleges, standalone colleges, and university systems in the database. There are 130 university systems like CUNY, and they have quite different characteristics than the 1,826 standalone institutions like Chicago State University.

Table 13: Characteristics of American Colleges and Universities 2004-2014

	All	Stand-alone	Systems
N	1,956	1,826	130
Total	100%	93%	7%
Public	21%	20%	41%
Private	70%	72%	38%
For-Profit	9%	8%	28%
Land grant	4%	3%	22%
HBCU	4%	5%	4%
Doctoral	12%	10%	41%
AAU	3%	2%	14%
Hospital	5%	4%	24%
Medical	8%	6%	28%
Enrollment (mean)	3,068	2,878	5,751
Budget (mean in \$ millions)	\$163m	\$153m	\$303m
Pell dependence	6%	6%	9%
R&D dependence	2%	2%	5%
Registered to lobby	37%	35%	59%
Lobbying expenditures (mean)	\$45,563	\$33,842	\$210,205
Lobbying expenditures (median)	\$ 0	\$ 0	\$ 39,739

Source: American Higher Education Lobbying Database

Systems were much wealthier and spent more lobbying; they had an average \$303 million budget and spent an average of \$210,205 lobbying and had higher Pell dependence (9%) and federal research and development dependence (5%) than standalone institutions. I suspect that Pell dependence and federal research and development dependence is higher at systems than

standalones because such systems include large university systems like the University of Michigan, which perform lots of research, and the University of Phoenix, which enroll larger numbers of Pell-eligible students. These massive systems probably leverage their economies of scale to lobby the federal government for higher Pell and research and development appropriations. Importantly, among all 1,956 institutions in the database, the mean lobbying expenditure is \$0: lobbying expenditures are far from normally distributed, and so it is likely that certain characteristics account for that difference in expenditures, which I explore later in this chapter via the multivariate analysis.

Research Question 1 asked “*What are the characteristics of American colleges that lobby?*” The next table answers that question.

Table 14: Characteristics of Colleges and Universities That Lobby and Do Not Lobby, 2004-2014

	All	Lobby	Do not Lobby
N	1,956	721	1,235
Total	100%	37%	63%
Public	21%	34%	13%
Private	70%	63%	74%
For-Profit	9%	3%	13%
Land grant	4%	9%	2%
HBCU	4%	7%	3%
Doctoral	12%	29%	2%
AAU	3%	7%	0%
Hospital	5%	11%	1%
Medical	8%	18%	2%
Enrollment (mean)	3,068	5,652	1,560
Budget (mean in \$ millions)	\$163m	\$353m	\$52m
Pell dependence	6%	5%	7%
R&D dependence	2%	4%	0%
Registered to lobby	37%	100%	0%
Lobbying expenditures (mean)	\$45,563	\$123,608	\$0
Lobbying expenditures (median)	\$0	\$44,907	\$0

Source: American Higher Education Lobbying Database

Non-profit colleges comprise 91% of all colleges in the database, and comprise 97% of all colleges that lobby. Among the 37% of colleges that ever lobby, about one third were public, two thirds were private, and a small percentage were for-profit. Lobbying colleges were much more likely to be doctoral institutions, have a hospital, a medical program, and larger enrollments and budgets than their non-lobbying counterparts; they had higher federal research and development dependence, but surprisingly, slightly lower Pell dependence. This suggests to me the need to further break down characteristics like sector to see the connection between Pell, federal research and development dependence, and lobbying.

3.3.2 The Connection Between Pell, Research and Development, and Lobbying

In this section I show the connection between Pell dependence and lobbying, as well as federal research and development dependence and lobbying. In the process, I answer Research Question 2 and lay the groundwork to address Research Questions 3 and 4.

Research Question 2 asked “How have lobbying registration laws and the earmark ban affected college lobbying in recent years?” I first compare corporate and higher education lobbying data over time. Figure 6 shows institution of higher education (IHE) lobbying expenditures (solid line) by year 2004-2014 and all industry lobbying expenditures (dashed line) for context.

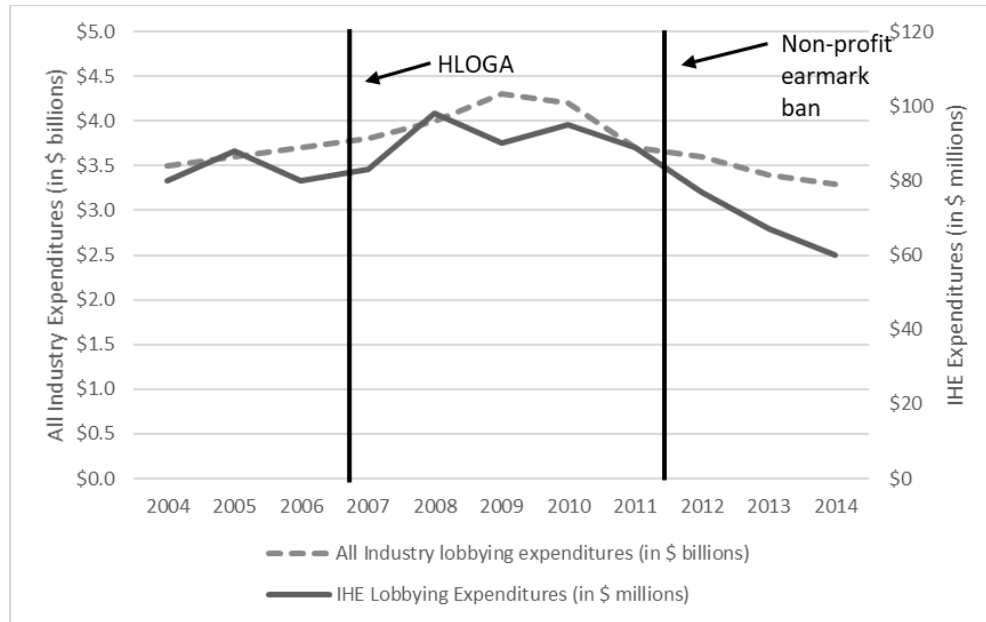


Figure 6: College & All Industry Lobbying Expenditures, 2004-2014

Source: Center for Responsive Politics, 2020

On average, colleges (standalones and systems) in aggregate spent \$82 million lobbying. The solid line indicates that 2008 was the year of highest industry lobbying expenditures, when colleges also spent the most--\$98 million. Likewise, 2014 was the year of lowest industry lobbying expenditures, when colleges spent the least-- \$60 million. Higher education expenditures appear closely correlated to overall industry expenditures. The dashed line aligns with La Pira's (2015) findings which showed that expenditures continued to increase until 2009, then decreased thereafter. College expenditure trends slumped after 2010, suggesting that like other organizations, colleges ramped down their lobbying effort after the earmark ban. However, combining for-profit and non-profit colleges obscures whether HLOGA and the earmark ban affected such colleges. Next, I look at for-profit institutions and non-profit institutions separately.

I present macro-level trends in for-profit lobbying registrations and expenditures in the figure below, by year 2004-2014.

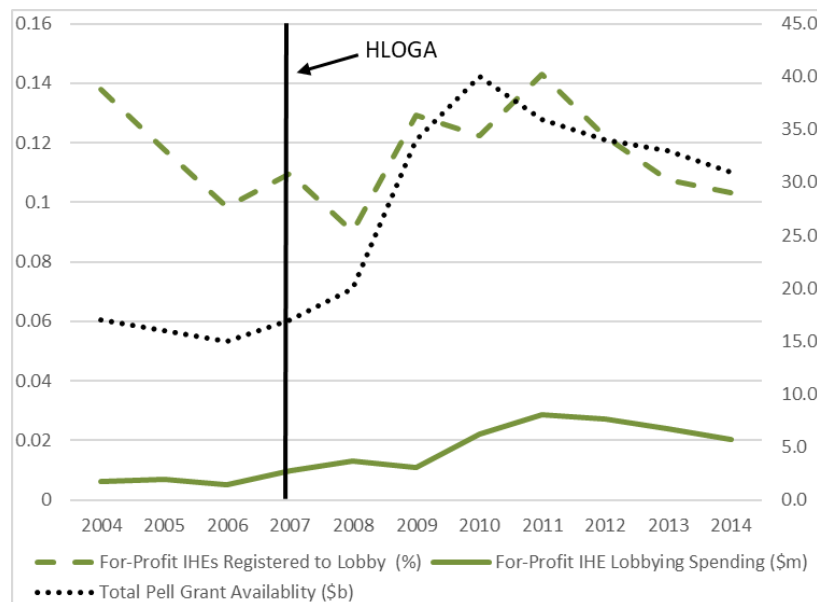


Figure 7: Total Pell Grant availability and for-profit college lobbying, 2004-2014
 Sources: U.S. Department of Education, 2018 and American Higher Education Lobbying Database

On average, 12% of for-profit standalones and systems ever registered to lobby, spending a sector total average of \$4.4 million across all years. The average lobbying for-profit college spent \$20,485 in a given year. HLOGA did not appear to affect lobbying registrations the way it might have all other organizations; after the law came into effect, for-profit registrations increased. Rather, I surmise that Pell grant availability is a more likely explanation of for-profit college lobbying registrations and expenditures, given the rough visual connection the trends seem to have to each other.

I present macro-level trends in disaggregated public college lobbying registrations and expenditures in the figure below.

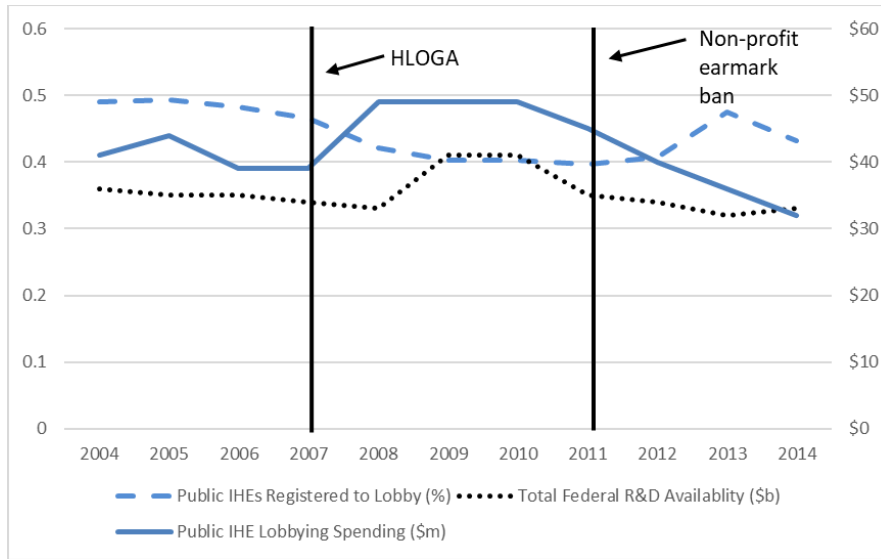


Figure 8: Total Federal Research and Development Availability and Lobbying Among Public Colleges, 2004-2014

Sources: U.S. Department of Education, 2018; American Higher Education Lobbying Database

The figure shows that on average, 44% of public standalones and systems ever registered to lobby, spending a total average of \$42 million across all years. The average lobbying public college spent \$238,713 in a given year. Public college registrations (the dashed line) dipped as HLOGA entered the scene in 2007, but lobbying expenditures actually increased after 2007, and closely followed availability of federal research and development funds, suggesting that these funds are a more likely driver of why public colleges lobby.

I present macro-level trends in private college lobbying registrations and expenditures in the figure below.

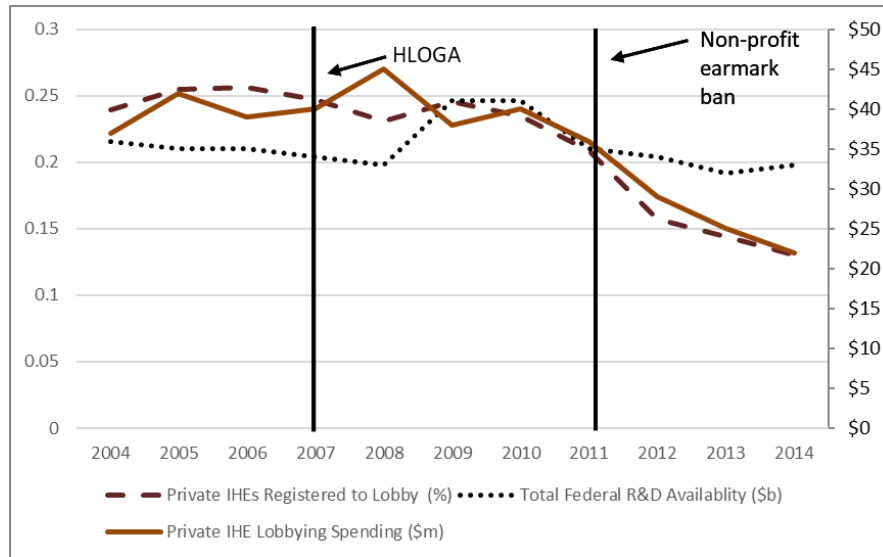


Figure 9: Total Federal Research and Development Availability and Lobbying Among Private Colleges, 2004-2014

Sources: U.S. Department of Education, 2018; American Higher Education Lobbying Database

On average, 21% of private standalones and systems ever registered to lobby, spending a total average of \$36 million across all years. The average lobbying private college spent \$160,554. The connection between private college lobbying and the availability of federal research and development funds looks possible, but less obvious than with public colleges. Further, the HLOGA and earmark ban do not seem to have affected the way private colleges register to lobby or spend on lobbying.

To summarize these findings in response to Research Question 2: insofar as responding to lobbying laws is a metric of corporate lobbying, the laws do not seem to affect how colleges lobby; to the extent that resource dependence is a corporate lobbying driver, colleges do seem to lobby in response to an available federal resource.

Looking more closely at Pell and federal research and development dependence—the two main characteristics of interest going forward—at all colleges in the database will set the stage to answer Research Question 3 “Are for-profit colleges that are more dependent on Pell Grants

more likely to lobby and spend more money doing so?” and Research Question 4 “Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?”

The table below shows how Pell dependence and federal research and development dependence matter to colleges based on characteristics and whether they are standalones or systems.

Table 15: Pell and Federal Research and Development Dependence across Sector of Institution and other Aggregated Characteristics

	Pell dependence				R&D dependence			
	Standalone		System		Standalone		System	
	Lobbying	Non-Lobbying	Lobbying	Non-Lobbying	Lobbying	Non-Lobbying	Lobbying	Non-Lobbying
All	5%	7%	5%	15%	3%	0%	8%	0%
Public	6%	8%	3%	9%	6%	1%	12%	7%
Private	4%	6%	5%	13%	2%	0%	1%	0%
For-Profit	14%	12%	16%	19%	0%	0%	0%	0%
Landgrant	5%	10%	2%	10%	13%	4%	14%	10%
HBCU	10%	15%	6%	9%	5%	2%	9%	7%
Doctoral	2%	3%	2%	8%	10%	7%	12%	0%
AAU	0%	11%	2%	1%	16%	0%	16%	0%
Hospital	2%	1%	2%	0%	9%	2%	12%	0%
Medical	2%	2%	2%	0%	12%	4%	13%	0%

Source: American Higher Education Lobbying Database

With regard to Pell dependence, non-lobbying institutions are more dependent (7%) than lobbying institutions (5%). It is clear that Pell matters most to for-profits, especially for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence.

It is also clear that federal research and development dependence is highest at colleges that lobby, especially lobbying public university systems, which have a 12% federal research and development dependence. Other characteristics like being an AAU member, a being a land grant

institution, and having a medical program are associated with high federal research and development dependence.

How does Pell and federal research and development dependence directly relate to lobbying? The scatterplots below show the bivariate relationships between aggregated lobbying expenditures and Pell dependence at all colleges (plot 1), standalone colleges (plot 2) and university systems (plot 3).

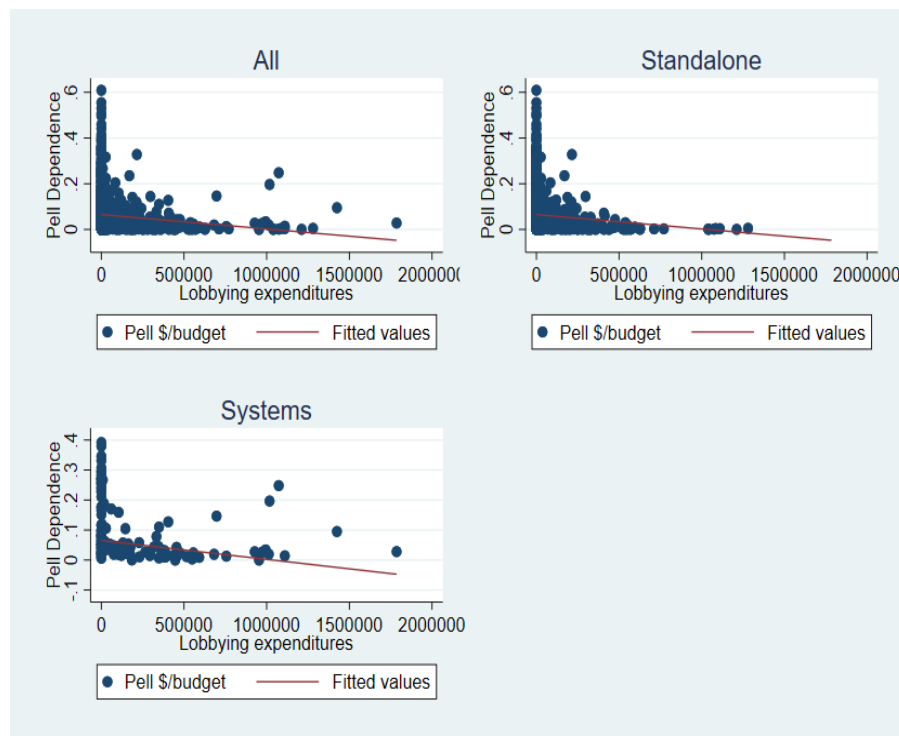


Figure 10: Bivariate relationships between aggregated lobbying expenditures and Pell dependence

Source: American Higher Education Lobbying Database

It appears that across the three sets of data, lobbying expenditures decrease as Pell dependence increases. Among all colleges, there is a -0.13 correlation ($p < 0.001$); among standalones, there is a -0.15 correlation ($p < 0.001$); among systems, there is -0.28 correlation ($p < 0.01$). The approximate median standalone institution (based on Pell dependence), in the second panel was

Shippensburg University of Pennsylvania with a lobbying expenditure of \$0 and a Pell dependence of 4.3%. The approximate median system (based on Pell dependence), in the third panel was Long Island University with a lobbying expenditure of \$0 and a Pell dependence of 4.7%. I will need to look at this trend among for-profit institutions to determine support for Hypothesis I: I suspect that the relationship will be positive among for-profit colleges due to their high dependence shown in Table 15 above.

It is also apparent in the scatterplots that there is a high number of institutions with low lobbying expenditures but high Pell dependence, as seen in the cluster along the y-axis. It would be informative to know what are those institutions, especially those with the highest Pell dependence that spent very little on lobbying, as they may be free riders, or may be very efficient at securing funding with little internal investment. In the table below, I show the top 10 highest Pell dependence institutions, along with lobbying expenditures and sector.

Table 16: Top 10 Highest Pell Dependence Institutions

	Institution name	Pell depen- dence	R&D depen- dence	Lobbying expenditures	Sector
Standalone	Apex School of Theology	50%	0%	\$0	Private
	Centura College	51%	0%	\$0	For-profit
	Be'er Yaakov Talmudic Seminary	53%	0%	\$0	Private
	Uta Mesivta of Kiryas Joel	55%	0%	\$0	Private
	Yeshiva of Machzikai Hadas	61%	0%	\$0	Private
System	Carrington College	30%	0%	\$0	For-profit
	Santa Barbara Business College	31%	0%	\$0	For-profit
	Vatterott College	33%	0%	\$0	For-profit
	Jones College	35%	0%	\$0	Private
	Metropolitan College	38%	0%	\$0	Private

Source: American Higher Education Lobbying Database

The highest Pell-dependent institutions are standalone institutions, and mostly religious institutions. Apex School of Theology is a very small but very rapidly expanding college in

North Carolina: in 2004 it had 51 students, in 2014 it had 483. All other institutions on this list, even the systems, were very small. For example, Santa Barbara Business College had on average about 640 enrolled students 2004-2014. For these institutions running high up the y-axis, it seems that low enrollment and few other sources of revenue other than Pell-eligible students, which created a high numerator in Pell dependence, is a simpler explanation of these schools' high Pell dependence than a calculated free-riding.

The next set of scatterplots show the bivariate relationships between aggregated lobbying expenditures and federal research and development dependence at all colleges (plot 1), standalone colleges (plot 2) and university systems (plot 3).

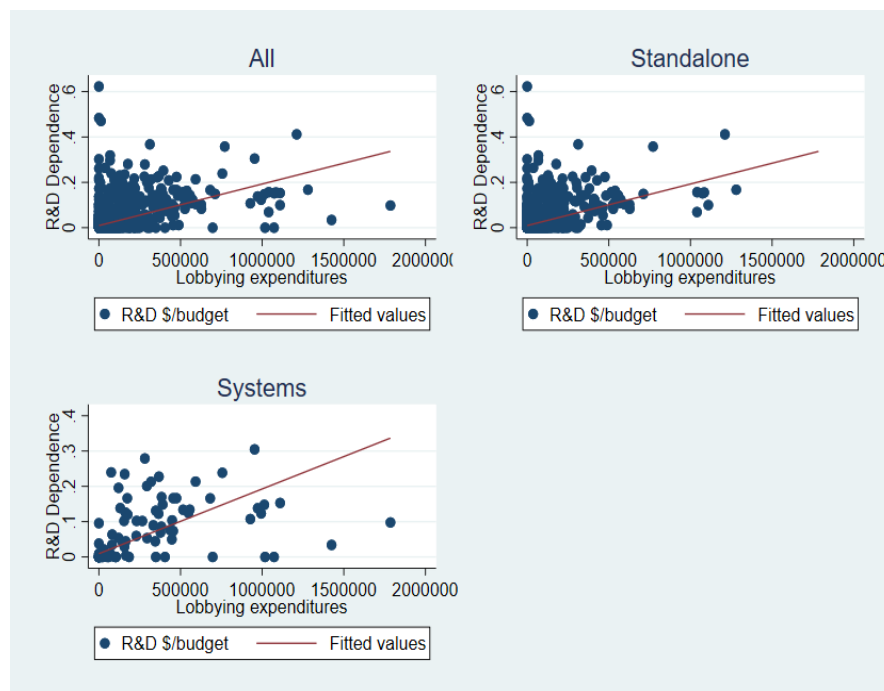


Figure 11: Bivariate relationships between aggregated lobbying expenditures and federal research and development dependence

Source: American Higher Education Lobbying Database

It appears that the relationship is strongly positive: lobbying expenditures increase as federal research and development dependence increases. Among all colleges, there is a 0.51 correlation

($p < 0.001$); among standalones, there is a 0.51 correlation ($p < 0.001$); among systems, there is a 0.51 correlation ($p < 0.001$). The approximate median standalone institution (based on federal research and development dependence) in the second panel was Midwestern University, with \$0 in lobbying expenditures and 0% federal research and development dependence. The approximate median system (based on federal research and development dependence) in the third panel was Widener University, with \$39,738 in lobbying expenditures and nearly 0% in federal research and development dependence. I will need to look at the connection between lobbying and among federal research and development dependence at non-profit institutions specifically to determine support for Hypothesis II.

Several institutions run high up the y-axis, suggesting that they have high federal research and development dependence institutions but little-to-no lobbying expenditures. To get a sense of which institutions these are, I show the top 10 highest federal research and development dependence institutions along with their lobbying expenditures and sector.

Table 17: Top 10 highest federal research and development dependence institutions

	Institution name	R&D depen- dence	Pell depen- dence	Lobbying expenditures	Sector
Standalone	New Mexico Institute of Mining and Technology	32%	1%	\$68,791	Public
	Midwest University	30%	1%	\$0	Private
	University of Arizona	25%	2%	\$394,962	Public
	S. Dakota School of Mines and Tech	26%	3%	\$38,127	Public
	University of South Carolina	26%	9%	\$0	Public
System	Oregon State University	23%	3%	\$158,080	Public
	University of Colorado	24%	1%	\$756,070	Public
	University of Hawaii	24%	2%	\$75,411	Public
	Colorado State University	28%	3%	\$281,525	Public
	University of Pittsburgh	30%	0%	\$953,765	Public

Source: American Higher Education Lobbying Database

In general, the table shows that federal research and development dependence is important to non-profit institutions, especially public colleges. Looking more closely, most are medium-to-large research-intensive institutions that often net large amounts of research. For example, New Mexico Institute of Mining and Technology (New Mexico Tech) enrolls about 1,280 students per year, has a \$150 million budget, and nets an annual average of about \$50 million in federal research and development. For three years around the post-Great Recession stimulus (the American Recovery and Reinvestment Act of 2009, or ARRA), New Mexico Tech landed about \$90 million in federal research and development; according to its audit statements, most it came from the Departments of Defense, Navy, Energy, and Justice ³⁰. The University of Pittsburgh (Pitt) is a very research-heavy institution, with an annual budget of close to \$2 billion and federal research and development receipts at about \$600 million. Its federal research and development receipts were more stable than that of New Mexico Tech; Pitt's federal research and development dependence fairly stable at around 30%, though it jumped to 61% in 2010, when its budget was at its lowest (\$1.3 billion) and federal research and development were just about at record levels (\$694 million); ARRA was responsible for this boost, with most of the funding coming from the National Institutes of Health³¹.

What about x-axis (expenditure) outliers; that is, institutions that spend the most on lobbying? While most institutions cluster around the low end of lobbying expenditures, it appears in the scatterplots that a handful of institutions are outliers, spending more than \$1,000,000 in lobbying. The table below shows these top lobbying spenders, along with their aggregated Pell and federal research and development dependence. I include a column for

³⁰ https://www.nmt.edu/policies/docs/financial-statements/NM_Tech_2012_Financial_Statements.pdf

³¹ <https://controller.pitt.edu/wp-content/uploads/FY%2012%20Annual%20Report.pdf>

percentage of all lobbying to denote the percentage that an institution's aggregate lobbying 2004-2014 constituted all institution lobbying.

Table 18: Top Lobbying Spenders, 2004-2014

	Institution name	Average Lobbying expenditures	% of all lobbying	Pell depend- ence	R&D depend- ence
Stand-alone	Harvard University	\$1,040,050	1.22%	0.0%	6.9%
	Northwestern University	\$1,040,657	1.14%	0.2%	15.7%
	Wake Forest University	\$1,074,202	1.30%	0.1%	15.2%
	University of Southern California	\$1,084,514	1.27%	0.4%	15.5%
	University of Miami	\$1,109,357	1.29%	0.4%	10.0%
	Boston University	\$1,210,828	1.49%	0.5%	16.7%
System	University of North Carolina	\$1,012,895	1.20%	1.9%	14.8%
	University of Phoenix	\$1,017,703	1.37%	19.7%	0.0%
	Corinthian Colleges	\$1,072,807	1.29%	24.8%	0.0%
	University of California	\$1,109,755	1.36%	1.4%	15.3%
	California State University	\$1,425,035	1.64%	9.5%	3.4%
	State University of New York	\$1,785,736	2.01%	2.8%	9.8%

Source: American Higher Education Lobbying Database

In the case of the two for-profit institutions, the University of Phoenix and Corinthian Colleges, very high Pell dependence may be driving these high lobbying expenditures. The remaining nonprofit institutions mostly have above-average federal research and development dependence, but nothing close to the highest federal research and development dependence institutions listed in Table 17.

Below I summarize findings from this chapter thus far, which address the first two research questions.

Table 19: Summary of Research Questions and Findings for All Colleges

Research Questions	Findings for all colleges
1. What are the characteristics of American colleges that lobby?	<p>37% of colleges ever lobbied (Table 14). The average lobbying school spent \$123,608 a year doing so. 35% of standalone institutions lobbied; 59% of university systems lobbied (Table 13).</p> <p>Lobbying colleges were much more likely to be doctoral institutions, have a hospital, a medical program, larger enrollments and budgets than their non-lobbying counterparts. They had higher federal research and development dependence, but surprisingly, slightly lower Pell dependence (Table 14).</p> <p>On average, colleges spent an aggregate of \$82 million lobbying in a given year; this trend closely followed lobbying spending by all industries (Figure 6: College & All Industry Lobbying Expenditures, 2004-2014).</p> <p>On average, 12% of for-profits ever registered to lobby, spending a sector total average of \$4.4 million across all years (Figure 7). The average lobbying for-profit college spent \$20,485 in a given year.</p> <p>On average, 44% of public colleges ever registered to lobby, spending a total average of \$42 million across all years (Figure 8). The average lobbying public college spent \$238,713 in a given year.</p> <p>On average, 21% of private colleges ever registered to lobby, spending a total average of \$36 million across all years. The average lobbying private college spent \$160,554 (Figure 9).</p> <p>Non-lobbying institutions are more Pell dependent (7%) than lobbying institutions (5%). Pell matters most to for-profits, especially for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence (Table 14).</p> <p>Across all colleges, lobbying expenditures decrease as Pell dependence increases (Figure 10). The highest Pell-dependent institutions are standalone institutions, and mostly religious institutions (Table 16).</p> <p>Federal research and development dependence is highest at colleges that lobby, especially lobbying public university</p>

	<p>systems, which have a 12% federal research and development dependence. Other characteristics like being an AAU member, a land grant institution, and having a medical program are associated with high federal research and development dependence. There is slightly higher federal research and development dependence at lobbying private standalones and lobbying private systems than at their non-lobbying counterparts (Table 15).</p> <p>Across all colleges, lobbying expenditures increase as federal research and development dependence increases (Figure 11).</p>
2. How have lobbying registration laws and the earmark ban affected college lobbying in recent years?	<p>College expenditure trends slumped continuously after 2010, suggesting that like other organizations, colleges ramped down their lobbying effort after the earmark ban (Figure 6).</p> <p>Public college lobbying expenditures increased after 2007, and closely followed the availability of federal research and development funds rather than changes in lobbying or earmark laws (Figure 8).</p> <p>The connection between private college lobbying and the availability of federal research and development funds is not very clear. Further, the HLOGA and earmark ban do not seem to have affected the way private colleges register to lobby or spend on lobbying (Figure 9).</p>

These descriptive results add new findings to the higher education lobbying literature. They are, however, limited in their ability to fully answer the research questions. For example, the methods thus far do not let us know how Pell and research and development dependence drives lobbying independent of other characteristics, and do not tell us about the independent effect of those other characteristics. For example, enrollments might be important in driving lobbying since existing research points to the idea that larger organizations lobby more; and since Pell is tied to enrollment, enrollment might have a role in increased Pell receipts. Does having a doctoral program matter? What about budgets? To get a multivariate sense of what predicts lobbying, I next run regressions for all colleges, standalones, and systems.

3.4 Hypotheses I & II

In this section I describe Hypotheses I and II, how they link to Research Questions 3 and 4, respectively. I also provide rationales for hypotheses, and describe analytic methods to answer the hypotheses.

Research Question 3 asked “Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?” It seems likely that for-profit colleges, which the results above showed are so heavily dependent on Pell grants, would lobby for Pell. The results above showed a trendline suggesting that for-profit lobbying fluctuates with the availability of Pell over time. The results also showed that Pell dependence was higher at standalone for-profits that that lobbied than those that did not, but lower at for-profit systems that lobby compared to those that do not. Running regressions for both types of institutions would shed more light on what is happening. Thus, the first hypothesis is *Hypothesis I: For-Profit Colleges with Higher Pell Grant Dependence Will Lobby More*.

I hypothesize that for-profit colleges with higher Pell Grant dependence will lobby more. I ground this hypothesis in two sets of theories. First, resource dependence theory, which implies that organizations pursue government resources differently, based on their dependence on those resources (Pfeffer and Salancik 2003), implies that for-profit colleges organizations lobby for student aid dollars. Second, academic capitalism theory (Slaughter & Rhoades, 2002), which implies that since universities are already adopting market-seeking behaviors they will use lobbying to compete and pursue more funding; this theory seems especially applicable to for-profit universities, which are owned by corporations. In this section, I hold for-profit college lobbying to corporate lobbying metrics: corporate registrations are slightly connected to

government spending (Drutman, 2015) and how corporate expenditures increase with governmental spending (de Figueiredo and Silverman, 2006; Drutman, 2015; Lux, 2011).

Initial support for this hypothesis comes from scatterplots. In the figure below, I show the bivariate relationship between Pell dependency and lobbying expenditures among all for-profit colleges (plot 1), for-profit standalones (plot 2), and for-profit systems (plot 2).

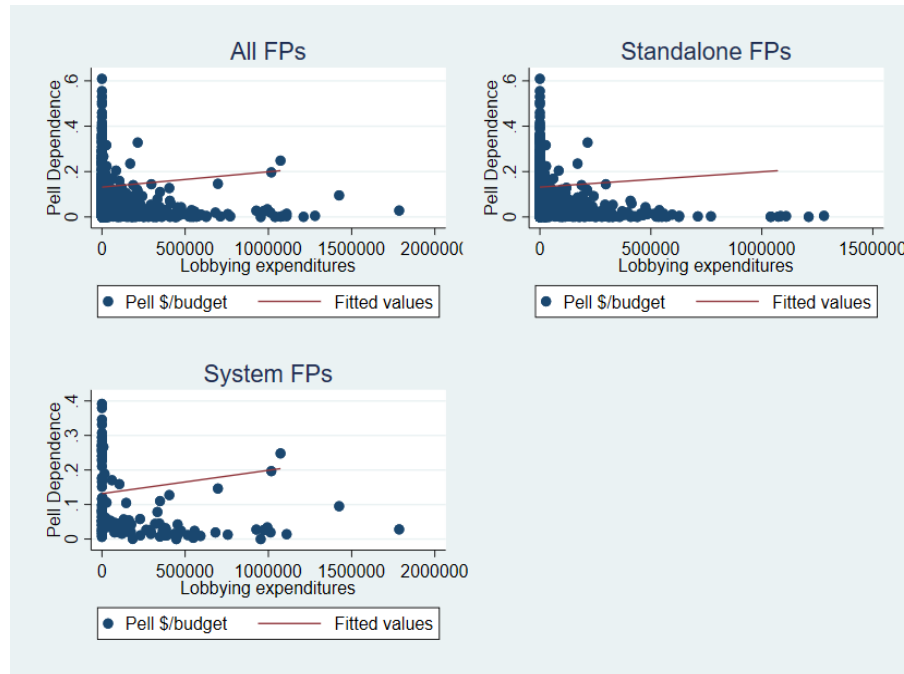


Figure 12: Bivariate relationship between Pell dependency and lobbying expenditures among for-profit colleges

Source: American Higher Education Lobbying Database

The figure makes clear that there is a slight positive relationship between Pell dependency and lobbying expenditures at all types of all for-profit colleges. There were weak correlation coefficients: 0.08 for all for-profits; 0.04 for standalone for-profits; 0 for for-profit systems. However, no correlations had statistically significant relationships. Thus, there was only initial substantive support for Hypothesis I.

To more fully answer Hypothesis I, I employ two sets of multivariate analyses. The first is a logistic odds ratio regression in which lobbying registrations is dependent variable. The second is ordinary least squares (OLS) regression in which lobbying expenditures is the dependent variable. In both sets of regressions, Pell dependence and federal research and development are the main variables of interest. Public colleges are the baseline college, and I add a dummy variable for being a for-profit college (and for being a non-profit private college). This analysis should point to the effect of being a for-profit college on lobbying, holding all other characteristics constant. The regressions enable me to simultaneously test Hypotheses I and II. I simply posit a positive association between for-profit lobbying registrations and expenditures and Pell dependence and do not venture to guess if registration is stickier expenditures or vice versa.

Research Question 4 asked “Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?” I hypothesize that non-profit colleges with higher federal research and development dependence will lobby more. The results above showed that federal research and development dependence is highest at colleges that lobby, especially lobbying public university systems, and that other characteristics like being an AAU member, being a land grant institution, and having a medical program are associated with higher federal research and development dependence. Also, across all colleges, lobbying expenditures increase as federal research and development dependence increases (Figure 11). Thus, the second hypothesis is *Hypothesis II: Non-Profit Colleges with Higher Federal Research and Development Dependence Will Lobby More.*

I ground this hypothesis in three sets of theories. First, resource dependence theory (Pfeffer and Salancik 2003) suggests that organizations pursue government resources differently

due to their dependence on those resources, and implies for this hypothesis that non-profit universities will lobby for federal research and development dollars. Second, academic capitalism theory (Slaughter & Rhoades, 2002) implies that since universities are already adopting market-seeking behaviors to seek resources, they will use lobbying to compete for and pursue more funding. Third, memetic isomorphism suggests that organizations facing uncertainty adopt the behavior of organizations seen as stable and legitimate (see DiMaggio & Powell, 1983; Meyer & Rowan, 1977); here, universities facing uncertain funding streams will lobby for more money, and will look to the successful corporate sector to model lobbying behavior.

This hypothesis is based on corporate lobbying metrics finding that a) corporate registrations are slightly connected to government spending (Drutman, 2015) and that b) corporate expenditures rise with governmental spending (Drutman, 2015; Lux, 2011).

It is based on the finding in the non-profit lobbying literature that non-profit organizations that receive governmental funding lobby more than those that do not (Berry, 2003; Chaves et al, 2004; Leroux and Goerdel, 2009; Salamon et al, 2008) and that non-profit lobbying spending is growing in recent years (Boris and Maronick, 2012).

It is based on the fact that research and development from federal government are essential to non-profit college and university operations; from 2010 to 2014 such funds accounted for the majority (56%) of all higher education research and development expenditures (Britt, 2015).

It is also based on the finding in the higher education lobbying literature that non-profit colleges spent money on lobbying in pursuit of research and development dollars (see Brackett, 2016; de Figueiredo and Silverman, 2006; Marsicano, 2019). The literature, however, does little to distinguish the lobbying behavior by private non-profit and public institutions on the federal

level. This is likely in part because the higher education lobbying research is underdeveloped and also because federal funding is sector-agnostic: Pell grants are ported by the student, and public and private colleges are treated equally for research funds.

Initial support for Hypothesis II comes from scatterplots. In the figure below, I show the bivariate relationship between federal research and development dependence and lobbying expenditures among all non-profit colleges (plot 1), non-profit standalones (plot 2), and non-profit systems (plot 3).

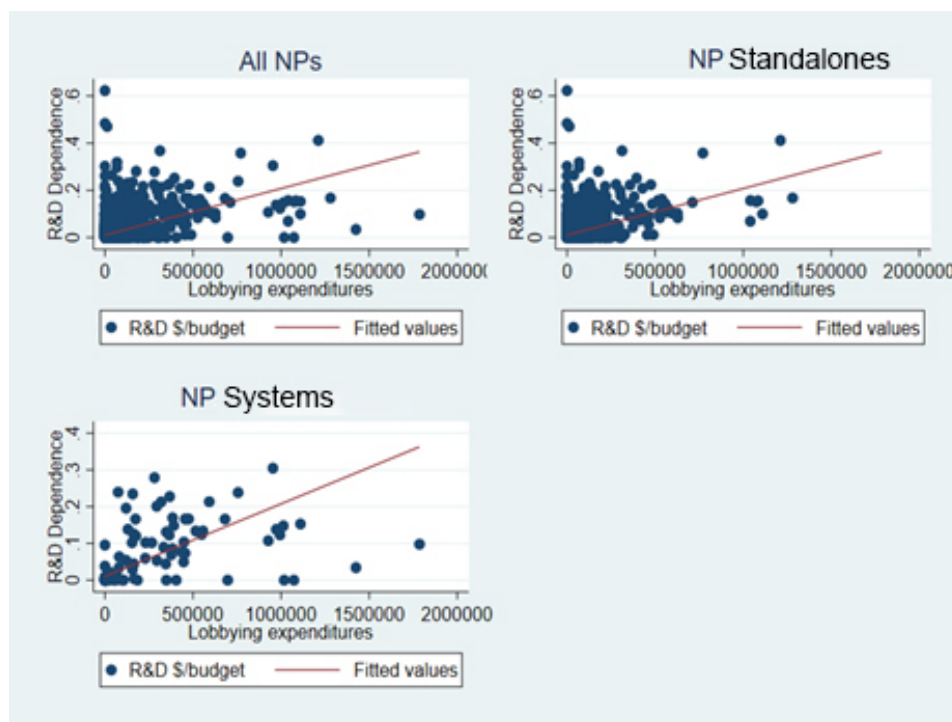


Figure 13: Bivariate relationship between federal research and development dependence and lobbying expenditures among non-profit colleges

Source: American Higher Education Lobbying Database

The figure makes clear that there is a strong positive relationship between federal research and development dependence and lobbying expenditures at all types of all non-profit colleges. There was a 0.53 correlation at all non-profits ($p < 0.001$); 0.51 at standalone non-profits ($p < 0.001$);

0.53 at non-profit systems ($p < 0.001$)—supporting Hypothesis II. I next explore these relationships with a multivariate model.

3.4.1 Variables in Regression Models

In this section I describe each regression variable, rationale for inclusion, and expectations of regression outcomes.

- **Pell Grant dependence.** This is the independent variable of interest for Hypothesis I. Pell Grant dependence is percentage of a college's aggregated budget comprised of Pell Grant dollars. I focus on this variable because research shows that for-profits are highly Pell-dependent (Kelchen, 2017) that for-profit colleges lobby for Pell dollars (Mettler, 2014); my findings above show Pell matters most to for-profits, including at for-profit standalones that lobby, which have a 14% Pell dependence. The scatterplots in the previous section also showed a weak positive relationship between Pell dependence and lobbying expenditures at all types of for-profit colleges. So, I expect the multivariate models to show that Pell dependence predicts lobbying at for-profit colleges.
- **Federal research and development dependence.** This is the independent variable of interest for Hypothesis II. It is the percentage of a college's budget comprised of federal research and development dollars in a given year. I focus on this variable because research consistently shows an association between non-profit college lobbying and research: top-tier non-profit colleges lobbied to increase the research and development “pie” (de Figueiredo and Silverman, 2006) and research institutions were more likely to file a lobbying report and accounted for $\frac{3}{4}$ of lobbying expenditures during a similar time frame (Marsicano, 2019). My findings above show federal research and development dependence is highest at colleges that lobby, especially lobbying public university

systems, which have a 12% federal research and development dependence. I also find that across all colleges, lobbying expenditures increase as federal research and development dependence increases, and that federal research and development dependence is important to non-profit institutions, especially public colleges. The scatterplots in the previous section also showed a strong positive relationship between federal research and development dependence lobbying expenditures at all types of non-profit colleges. I expect the multivariate models to show that federal research and development dependence increases with more lobbying at public colleges, and possibly at private colleges.

- Being a **private college**. I include this variable to indicate any effect of being a private non-profit college, holding all else constant. Existing research tends to group all non-profit colleges together (Cook, 1998; de Figueiredo and Silverman, 2006) or finds that public and private colleges register and spend on lobbying at fairly similar rates (Marsicano, 2019). My initial findings above show slightly higher federal research and development dependence at lobbying private standalones and lobbying private systems than at their non-lobbying counterparts. Given these weak findings for private colleges, the effect of being a private college may not be substantively or statistically significant.
- Being a **for-profit institution**. Existing research shows that for-profits are highly Pell-dependent (Kelchen, 2017) that for-profit colleges lobby for Pell dollars (Mettler, 2014); my findings above show Pell matters most to for-profits, especially for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence. The scatterplots above suggest that for-profits

with higher Pell dependence lobby more. I expect that being a for-profit will be associated with a higher odds of registering to lobby and higher lobbying expenditures.

- **Being a land-grant institution.** Existing research shows that land grant institutions were among the first ever to band together to lobby (Cook, 1998). Land grants lobby for increased NSF and NIH budgets, as well as for earmarked funds (until they were banned for non-profit institutions in 2011) (Marsicano, 2019). I find that lobbying land grants standalones have a quite high federal research and development dependence of 13% and lobbying land grant systems of 14%. I expect that this variable will be positively related to lobbying in the multivariate models.
- **Being a Historically Black College or Universities (HBCU) institution.** Not much existing research looks into lobbying by HBCUs; this could be because outside groups like United Negro College Fund lobby for Pell increases for the benefit of students at HBCUs (Loss, 2012). I find that Pell grants seem to be an important source of funding for HBCUs, comprising 10% of their budgets at non-lobbying HBCU standalones at 15% at non-lobbying HBCU systems, but lower at lobbying HBCUs. Federal research and development dependence was slightly higher at lobbying HBCUs. Given these mixed findings, and the overall sense that Pell dependence might not be a very strong predictor of lobbying, I do not think that being an HBCU will be significantly related to lobbying.
- **Being a doctoral doctoral-level institution.** De Figueiredo and Silverman (2006) include this variable in their study; as a proxy for research-heavy schools, I find that lobbying doctoral institutions have higher federal research and development dependence, so I expect that being a doctoral institution will positively predict lobbying registrations and expenditures.

- Being a member of the Association of American Universities (**AAU**). AAU members are research intensive institutions and have been found to lobby even after the earmark ban (Marsicano, 2019). I find that among all other characteristics, federal research and development dependence is highest among colleges that are AAU members, at 16% for lobbying AAU members. So, I expect this variable to be associated with more lobbying in the multivariate models.
- Having a **hospital**. Boris and Maronick (2012) found that “Health, education, and human services organizations represent the bulk (73 percent) of reported lobbying expenses;” they note that “Non-profit hospitals are on the defensive, making the case for maintaining their charitable status and against charges that they are too commercial.” I find that lobbying institutions with a hospital have much higher federal research and development dependence than non-lobbying institutions with a hospital. These findings together suggest that in multivariate models, institutions with hospitals will lobby more.
- Having a **medical** program. This variable should closely relate to the hospital variable. From 2005 to 2014, higher education institutions with a medical program were more likely to file a lobbying report (Marsicano, 2019). I find that lobbying institutions with a medical program have much high federal research and development dependence than those that do not lobby and so expect this variable to be positively associated with lobbying.
- Estimated full-time equivalent (FTE) undergraduate **enrollment**. This variable represents size of an institution: schools with higher enrollments should have larger budgets and more capacity to lobby. Existing research shows that enrollments at for-profit colleges increased over the past decades (Deming et al 2012), and among non-profit colleges, a

strong connection between increasing enrollments and increased likelihood of lobbying (Marsicano, 2019). In the multivariate models, I expect enrollment to be positively associated with lobbying registrations and expenditures.

- **Total institutional budget.** I include this variable because it seems like larger colleges will lobby more. I base this on research showing that companies with higher levels of government sales and contracts had higher levels of lobbying expenditures (Lux, 2011), and showing that larger companies tend to lobby more (Drutman, 2015). As is probably the case with enrollment, schools with higher budgets likely have capacity to afford a lobbyist. In the multivariate models, I expect enrollment to be positively associated with lobbying.
- **Lobbying registrations.** This is the first of two dependent variables. I examine this variable—whether or not a college filed lobbying report in a given year—because it is a good indicator of whether a college cares to lobby in a given year, and because much lobbying research uses this metric (e.g., Baumgartner et al, 2009; LaPira, 2015; Leech et. al., 2005; Marsicano, 2019) or the similar metric of number of lobbyists (Drutman, 2015). I expect that a positive association between Pell dependence and registrations would support Possibility 3 because it will show that for-profit colleges care enough about Pell grants to register to lobby, implying that like corporations, for-profit colleges dependent on government funding lobby.
- **Lobbying expenditures.** This is the second of two dependent variables. This variable represents “how much” a college cares to lobby. Much lobbying research focuses on expenditures (e.g., Baumgartner & Leech, 2001 de Figueiredo and Silverman, 2006; Drutman, 2015; LaPira, 2015; Leech et. al., 2005; Marsicano, 2019). I expect that a

positive association between Pell dependence and expenditures, implying that like corporations, colleges dependent on government funding lobby in response to the availability of Pell Grants and federal research and development dependence.

In the multivariate models I expect a positive association between non-profit colleges' overall lobbying registrations/expenditures³² and federal research and development grants, and do not make any claims about differences between public versus private colleges. I will, however, add a controlling variable for private colleges to determine their independent effect from public colleges, which are the baseline group.

3.4.2 Logistic Odds Ratio Models

This set of models shows which factors predict the decision to lobby among all colleges (Model IA), standalone institutions (Model IB), and university systems (Model IC) using logistic odds ratio models.

Models IA, IB, IC

Table 20: Logistic Odds Ratio Models Predicting Registration to Lobby

	IA All b/se	IB Standalone b/se	IC System b/se
Registered to lobby			
R&D \$/budget	192.69** (358.24)	196.61** (368.83)	0.00 (0.01)
Pell \$/budget	0.04** (0.05)	0.03** (0.04)	0.00 (0.00)
Private College	1.85*** (0.34)	1.91*** (0.37)	0.29 (0.37)
For-Profit College	0.60 (0.18)	0.36** (0.14)	1.11 (1.52)

³² I do not venture to guess whether registrations or expenditures are “stickier.” Drutman (2015) discusses “stickiness” as companies that register to lobby tend to stay registered. Lux's (2011) findings imply that companies may adjust their lobbying expenditures may adjust based on the availability of public funds.

Land Grant college	0.96 (0.40)	0.79 (0.37)	3.18 (11.76)
HBCU	3.72*** (0.99)	4.25*** (1.17)	0.47 (1.10)
Doctoral institution	2.17** (0.64)	1.68 (0.52)	5.59 (7.33)
AAU member	4.02 (6.14)	4.59 (8.19)	1.00 (.)
Hospital	2.53* (0.93)	2.25* (0.88)	0.47 (1.58)
Medical program	1.22 (0.45)	1.10 (0.41)	1.00 (.)
Enrollment/1,000	1.31*** (0.04)	1.30*** (0.04)	2.48* (1.01)
Budget/\$100m	1.08 (0.07)	1.10 (0.07)	0.84 (0.66)
Constant	0.15*** (0.03)	0.15*** (0.03)	0.39 (0.61)
r2_p	0.24	0.22	0.48
N	1956	1826	94

* p<0.05, ** p<0.01, ***p<0.001

Across all three models, there were statistically significant relationships between the decision to register to lobby and the independent variables of interest (federal research and development dependence and Pell dependence) at all colleges (Model IA), at standalone colleges (Model IB), but not at university systems (Model IC). I next describe relationships that predict the decision to lobby within each model.

Model IA suggests that among *all* colleges, a 10% increase in federal research and development dependence is associated with a 9.3% increase in the odds of registering to lobby ($p < 0.01$); a 10% increase in Pell dependence is associated with a 0.096% decrease in the odds of registering to lobby ($p < 0.01$). The odds of registering to lobby increase by 85% if a college is private as compared to a public college ($p < 0.001$); increase by 372% if a college is a HBCU (p

< 0.05); increase by 217% if a college is a doctoral institution ($p < 0.01$); increase by 253% if a college has a hospital ($p < 0.05$); increase by 31% with each 1,000 student increase in enrollment ($p < 0.001$).

When we look at *standalone* colleges in Model IB, the odds of registering to lobby are roughly similar as for all colleges, in the previous model. This is likely due to the fact that standalone colleges constitute 93% of all colleges. Specifically, among standalone colleges, holding all else constant, a 10% increase in federal research and development dependence is associated with a 9.7% increase in the odds of registering to lobby ($p < 0.01$); a 10% increase in Pell dependence is associated with a 0.097% decrease in the odds of registering to lobby ($p < 0.01$). The odds of registering to lobby increase by 91% if a college is private as compared to a public college ($p < 0.001$); decrease by 84% if a college is for-profit as compared to a public college ($p < 0.01$); increase by 425% if a college is a HBCU ($p < 0.001$); increase by 225% if a college has a hospital ($p < 0.05$); increase by 30% with each 1,000 student increase in enrollment ($p < 0.001$). Being a doctoral institution is no longer significant, while being a for-profit college is now significant.

Model IC suggests that among university *systems*, all variables except enrollment drop out. Holding all else constant, the odds of registering to lobby are 248% more likely with each 1,000 student increase in enrollment ($p < 0.05$), which is nearly double the odds of the previous two models, underscoring the political importance of large enrollments at university systems.

3.4.3 OLS Models

While the logistic models revealed factors that predict the decision to lobby, the next set of linear models show how those factors predict *how much* is spent on lobbying.

Models IIA, IIB, IIC

Table 21: OLS Models Predicting Lobbying Expenditures

	IIA All b/se	IIB Standalone b/se	IIC System b/se
R&D \$/budget	242629*** (61104)	293595*** (44900)	-132166 (550966)
Pell \$/budget	24817 (34258)	-1218 (25540)	-6442 (291043)
Private College	2678 (6613)	21067*** (4832)	-169002* (69492)
For-Profit College	16392 (9289)	16335* (7021)	-47546 (79886)
Land Grant college	-2785 (12361)	-21841* (10160)	-105669 (71709)
HBCU	-5465 (11019)	6986 (8012)	-60199 (115988)
Doctoral institution	81298*** (10424)	40002*** (7862)	206690* (86881)
AAU member	250712*** (18957)	78301*** (17572)	434034*** (95700)
Hospital	53817*** (12287)	-1663 (9980)	-11221 (86049)
Medical program	49788*** (11918)	38311*** (8928)	35946 (89659)
Enrollment/1,000	3716*** (716)	4175*** (530)	3747 (6629)
Budget/\$100m	3415*** (726)	9213*** (604)	-9742 (7606)
Constant	-3173 (7244)	-20711*** (5297)	177944* (85940)
r2	0.54	0.61	0.51
N	1956	1826	130

* p<0.05, ** p<0.01, ***p<0.001

Models IIA and IIB show that lobbying expenditures increase as research and development dependence increases, but Pell dependence is no longer significant. More specifically, Model IIA suggests that across *all* 1,956 colleges, holding all else constant, lobbying expenditures increase \$242,629 as with every percentage point increase in federal research and development dependence ($p < 0.001$); increase \$81,298 if a college is a doctoral institution ($p < 0.001$); increase \$250,712 if a college is an AAU member ($p < 0.001$); increase \$53,817 if a college has a hospital ($p < 0.001$); increase \$49,788 if a college has a medical program ($p < 0.001$); increase by \$3,716 with each 1,000 student increase in enrollment ($p < 0.001$); increase by \$3,415 with each \$100 million increase in budget ($p < 0.001$).

Model IIB suggests that among *standalone* colleges, which constitute 93% of all colleges, things are quite different. Holding all else constant, lobbying expenditures increase \$293,595 with every percentage point increase in federal research and development dependence ($p < 0.001$), a small increase compared to all colleges; increase \$21,067 if a college is a private institution ($p < 0.001$), a new variable of significance; increase \$16,355 if a college is a for-profit institution ($p < 0.05$), a new variable of significance; decrease \$21,841 if a college is a land grant institution ($p < 0.05$), a new variable of significance; increase \$40,002 if a college is a doctoral institution ($p < 0.001$), a decrease of almost half compared to the all-college model; increase \$78,301 if a college is an AAU member ($p < 0.001$), a huge decrease compared to the all-college model; increase \$38,311 if a college has a medical program ($p < 0.001$) a slight decrease compared to the all-college model; increase by \$4,175 with each 1,000 student increase in enrollment ($p < 0.001$), a slight increase compared to the all-college model; increase by \$9,213 with each \$100 million increase in budget ($p < 0.001$), a big increase compared to the all-college model. Having a hospital was no longer a significant predictor of lobbying expenditures.

Model IIC suggests that among university *systems*, holding all else constant, lobbying expenditures greatly increased for three variables that were significant in the previous model. As with the odds ratio models for university systems, many variables drop out. Lobbying expenditures decrease \$169,002 if a college is a private institution ($p < 0.05$), a huge decrease compared to the standalone college model; increase \$206,690 if a college is a doctoral institution ($p < 0.05$), a huge increase compared to the standalone college model; increase \$434,034 if a college is an AAU member ($p < 0.001$) a huge increase compared to the standalone college model. Notably, none of the other variables were significant in predicting lobbying expenditures at university systems. I was surprised that research and development dependence was no longer a predictor of lobbying expenditures, although being a doctoral institution and being an AAU member were more important drivers of lobbying and likely are proxies for research-dependent institutions.

In conclusion, across all six sets of models, a few variables stood out as important in predicting lobbying. Being a doctoral institution and being an AAU member were important factors in predicting whether a college lobbied and how much it did so. I was surprised that the budget variable was not consistently a predictor of lobbying registrations and expenditures, since budget (per \$100 million) should be an indicator of institutional capacity to lobby. However, enrollment was a consistent predictor in nearly every model. Enrollment is closely correlated to budget, and its predictive ability supports my contention that lobbying may be in part driven not just by capacity or dollar-seeking, but by the human factor: the presence of large numbers of students on campus presents a range of issues and interests that intersect with government, especially at the local level. This hints at a more complex story, in which local governmental lobbying may spiral up and connect to federal lobbying. Additionally, the fact that private

colleges were more likely to lobby and spent more doing so than public colleges—despite private colleges’ lower research and development dependence—further suggests that colleges lobby for more reasons than securing federal funding. Together, these models provide some basis for further explorations via qualitative methods in the next chapter.

Table 22: Summary of Findings for Research Questions 3 and 4

Research Questions	Findings and Support for Hypothesis
3. Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?	<p><i>Hypothesis I: For-Profit Colleges with Higher Pell Grant Dependence Will Lobby More.</i></p> <p>Pell’s importance to for-profits depends on type of institution: Pell matters most for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence (Table 15).</p> <p>When grouping together all types of for-profits, there were weak, statistically insignificant correlations between Pell dependency and lobbying expenditures at all types of all for-profit colleges (Figure 10).</p> <p>Among all colleges, holding all else constant, a 10% increase in Pell dependence is associated with a 0.096% decrease in the odds of registering to lobby ($p < 0.01$) (Table 20).</p> <p>Among standalone colleges, holding all else constant, lobbying expenditures increase \$16,355 if a college is a for-profit institution ($p < 0.05$) (Table 21).</p>

<p>4. Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?</p>	<p><i>Hypothesis II: Non-Profit Colleges with Higher Federal Research and Development Dependence Will Lobby More</i></p> <p>Federal research and development dependence is highest at colleges that lobby, especially lobbying public university systems, which have a 12% federal research and development dependence (Table 15).</p> <p>There were strong, positive correlations between federal research and development dependence and lobbying expenditures at all types of all non-profit colleges (Figure 13).</p> <p>Among all colleges, holding all else constant, the odds of registering to lobby increase by 85% if a college is private as compared to a public college ($p < 0.001$) (Table 20).</p> <p>Among standalone colleges, holding all else constant, the odds of registering to lobby increase by 91% if a college is private as compared to a public college ($p < 0.001$) (Table 20).</p> <p>Among standalone colleges, holding all else constant, lobbying expenditures increase \$21,067 if a college is a private institution ($p < 0.001$) (Table 21).</p> <p>However, among systems, holding all else constant, lobbying expenditures decrease \$169,002 if a college is a private institution ($p < 0.05$) (Table 21).</p>
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3.5 Conclusion

Overall, my findings align with the corporate lobbying literature finding that lobbying expenditures rise with more governmental spending (Drutman, 2015; Lux, 2011). They also align with the non-profit lobbying literature finding that non-profit organizations that receive governmental funding lobby more than those that do not (Berry, 2003; Chaves et al, 2004; Leroux and Goerdel, 2009; Salamon et al, 2008). Together, the results support Hypotheses I and II, with important qualifications.

I would not say that there is much direct support for Hypothesis I, let alone strong support. This is because of mixed findings: Pell matters most to for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence. The regression models showed that among standalones, the odds of registering decrease if a college is for-profit, but lobbying expenditures increase if a college is for-profit.

I would say that there is stronger support for Hypothesis II. Although the regression models group together for-profit and non-profit colleges (with dummy variables for for-profit and private colleges), non-profit colleges comprise 91% of all colleges in the database, and comprise 97% of all colleges that lobby (see Table 12), so the regression findings are very applicable to non-profit institutions. My findings align with the higher education lobbying literature in that I find that federal research and development funding predicts lobbying, as was found by Marsicano (2019). I found interesting results regarding private colleges: they tend to lobby more and spend more on lobbying than their public counterparts, despite lower federal research and development dependence, suggesting that additional factors drive private college lobbying.

There are additional results of note: land grant standalones spend more on lobbying than non-land grant standalones. HBCUs generally register to lobby more than non-HBCUs. Doctoral institutions register more and spend more than non-doctoral institutions. AAU members spent much more than non-AAU members. Institutions with hospitals generally registered more and spent more than institutions without hospitals. Schools with medical programs generally spent more than those without medical programs. Schools with higher enrollments and budgets generally registered and spent more than those with lower enrollments and budgets--aligning

with the non-profit literature finding that larger non-profits lobby more than smaller non-profits (DeVita et al, 2014).

In Chapter 2, I raised additional questions that this chapter was not able to answer. Specifically, how colleges lobby for the “pie, then the slice”—how funding is accessed at increasingly specific stages of the policy process. That process includes not only big “let’s boost the size of the NIH budget” lobbying, but also more campus-specific requests such as earmarks (funding tailored for a specific project on campus) and agency lobbying (when a college lobbies an agency for renewal of funding for a project on campus). Collective action dilemmas like free riding may be inherent in this process. Indeed, the mixed results regarding Pell among for-profits may be because Pell is collective good that benefits all students and all colleges equally. It seems possible that for-profit colleges would not expend much effort lobbying for Pell even if they heavily depend upon it. In its federal-only focus, this chapter may miss out on more local level lobbying, and lobbying for/in response to other reasons besides federal dollars.

The results of this chapter make new contributions regarding the quantitative connection between lobbying and ostensible outcomes, but we will have to turn to the next chapter to understand how that lobbying effort is distributed along the policy process, and if there are motivations to lobby not captured by the database.

Chapter 4: An Inside Look at the Process of Higher Education

Lobbying: Timing, Topics, and Tactics

4.1 Introduction

In Chapter 3, I provided a quantitative look on how American colleges and universities lobby at the federal level, and the ways that lobbying resembles the lobbying of corporate and non-profit organizations. I found weak evidence suggesting that for-profits lobby more as Pell dependence increases, and strong evidence suggesting that non-profit colleges lobby more as federal research and development dependence increases. The results, however, did not address the remaining four research questions, and in fact raised a new question about what is driving the connections in the quantitative data.

Specifically, the data alone could not provide an understanding of how colleges make lobbying decisions—what drove that annual decision to lobby? Why did a college spend more in one year versus another? In this chapter, therefore, I turn to qualitative methods to reveal more about those concerns and address the assumption that funding is connected to lobbying. To do so, I rely on interviews, a news analysis, my own experience as a lobbyist to investigate the crucial role of timing and to investigate topics besides funding that may motivate colleges to lobby and the tactics that they use to lobby. The goal of this chapter is to contextualize and give a more nuanced interpretation of Chapter 3 data. My hope is that the results will yield a picture of the process, in addition to the product, of lobbying. Throughout this chapter, I gather evidence to test the two exploratory hypotheses: Hypothesis III states that all sector spending and registration is positively correlated with media coverage of accountability regulations; Hypothesis IV states

that public, private, and for profits employ similar lobbying tactics, with for-profits relying more on direct tactics.

4.2 Unanswered Questions

In this section I address five questions: one new question arising from Chapter 3, and the four remaining research questions that Chapter 3 did not address. In attempting to answer them, I generate new findings and collect evidence to explore Hypotheses 3 and 4.

The first question is new, and is about funding. In Chapter 3, I found some evidence supporting the connection between for-profit lobbying and Pell dependence while controlling for student enrollment and for budget. Theoretically, it seems like for-profit colleges could receive Pell grants by boosting enrollments, and that lobbying might not be necessary. Why would a for-profit college lobby for Pell grants if the grants are allocated to students—not the institution? If there is no way to differentially secure funding, why would formula-driven funding like Pell prompt more lobbying? In the same vein, is there anything special about federal research and development funding to non-profit colleges? If all non-profit colleges are equally eligible for federal research and development funds, why would this funding motivate a college to do more lobbying? In other words, *why would colleges lobby for something that they seem to get from government in a pro forma way?*

The second question is about free riding and is one of the original research questions. In Chapter 3 I found overall evidence that colleges more dependent on Pell grants and federal research and development are more likely to lobby, and spend more doing so, and found some evidence that larger and wealthier colleges lobby more. But what about colleges that do not spend as much, but still receive funding? Does lobbying by bigger spenders increase the size of

the federal funding pie, allowing lower spenders to free ride? In other words, Research Question 5 asks, *why would an individual college lobby if others are taking action?*

The third question is about topics besides funding that drive lobbying, concerns one of the original research questions. In Chapter 2, the literature on cultural tides moving against higher education led me to surmise that colleges are on the defensive, and might lobby to preserve their stakes. Colleges might specifically lobby against accountability measures that raise the cost of doing business, especially high-profile measures mentioned in the media. Indeed, for-profits like ITT Technical Institute were shut down by the federal government for defrauding students, which was widely covered in the press. In Chapter 2 I also mentioned that organizations may band together to lobby for reasons beyond material goods: solidary or purposeful motivations may also drive lobbying. Is this tendency common in higher education? Clearly, there are many dynamics besides seeking Pell and federal research and development funding during this 11-year time frame that might drive lobbying behavior. This leads me to wonder, as Research Question 6 asks, *how do external pressures like media attention affect lobbying?* Exploring this question will help answer Hypothesis III, which states that all sector spending and registration is positively correlated with media coverage of accountability regulations.

The fourth question, also a research question posed earlier, is about the tactics that lobbyists use. In Chapter 2, research indicated that corporations tended to use direct tactics, and that colleges lobby use direct and indirect tactics and hired in-house lobbyists (Cook, 1998; Ferrin, 2005). If colleges are lobbying more like corporations in terms of their lobbying registrations and spending, what can qualitative methods tell us about the more recent tactics that they use? Do they align with corporate tactics? More research is needed to answer what Research

Question 7 asks: *Which tactics do colleges use to lobby?* Exploring this question will help test Hypothesis IV, which states that public, private, and for profits employ similar lobbying tactics, with for-profits relying more on direct tactics.

The final remaining question is the question central to this study: *do colleges lobby like corporations?* The proceeding chapters provide indicators and sub-questions to get at this central question, but there might be value in asking lobbying professionals and government officials this question straightforwardly. That is the value of interviews—to understand the human decisions that underlie the numbers. The additional methods of this chapter—interviews and news analysis—contribute to answering that larger question. I detail those methods next.

4.3 Methods

In this section I describe two qualitative data sources: interviews and a news analysis. I detail how I harnessed these data, and provide an overview of how these data are organized. Together, the qualitative data sources contribute to an “inside look” at higher education lobbying.

4.4. Data Sources

4.4.1 Data Source 1: Qualitative Interviews

In 2017 and 2020, I conducted a total of 20 in-depth, semi-structured interviews of New York state-based lobbyists for public, private, and for-profit colleges and of legislators and legislative staff members with experience interacting with colleges.³³ College lobbyists

³³ In-depth interviews are used when a researcher seeks “rich and detailed information. . . examples, experiences, for narratives and stories,” and questions are open ended and not fixed (Rubin, 2012:29). In semistructured interviews, “the researcher has a specific topic to learn about, prepares a limited number of questions in advance, and plans to ask follow-up questions” (Rubin, 2012: 31). I began by purposefully targeting lobbyists within my professional network. Purposeful sampling is a nonrandom sampling method “in which particular settings, persons, or activities are selected deliberately in order to provide information that can’t be gotten as well from other choices” (Maxwell, 2005). This kind of sampling will be helpful in getting access to “insider” information, which my position as a

implement day-to-day lobbying activities and adjust resources and tactics of their colleges. In other words, they should know how and why their colleges lobby. Interviewees hail from all three sectors, and include “for-hire” contract lobbyists who represent multiple colleges and other clients. The college lobbyists are from the State University of New York (SUNY) system, the City University of New York (CUNY), private colleges, and for-profit colleges. Although lobbyists are bounded within New York State, the interviews reveal that most handle a mix of city, state, and federal lobbying. This sheds light on the interplay of federal and state funding, which gets increasingly specific through the policy process. Legislators and their staff offer the mirror-image perspective, because they are the recipients of lobbying efforts. I specifically targeted state legislators and staff members who are on education and higher education committees, in positions of leadership, or have a diversity of higher education institutions in their district, for a total of three legislators and two staff members. I use interviews primarily to extract the substance behind the numbers via quotations and stories, and occasionally summarize coded data to observe initial descriptive numerical patterns. The table below shows the breakdown of interviewee characteristics.

Table 23: Breakdown of Interviewee Characteristics

Variable	College lobbyists (n=15)	Legislators and staff (n=5)
Years of professional experience (mean; range)	13; 1-29	16; 5-37
Gender female	60%	60%
Sector		
Public	5 (33%)	N/A
Private	5 (33%)	N/A
For-profit	5 (33%)	N/A

fellow lobbyist facilitated. Then, I added additional interviewees via a snowball sample. A snowball sample grows the interviewee sample by identifying “cases of interest from people who know people who know what cases are information-rich” (Creswell, 2007, p. 127).

% of time state-focused	70%	N/A
% of time federally-focused	30%	N/A
Legislator	N/A	3
Legislative staff	N/A	2

See Appendix B for a template invitation email, interview questions, and IRB-approved informed consent form. Interviewees are anonymous but below I make general reference to their positions to give a sense of their role (e.g. “a lobbyist for a large private college”) and provide their anonymous code. I took hand-written notes, but all but two interviews were also recorded and transcribed, per the wishes of interviewees. All interviews were coded by me in Excel to consistently track lobbying tactics, rationales, and responses to other questions. I created tables with headers to account for interviewee characteristics, sector of college, level of government, and lobbying rationales and tactics, presented in the findings section.

Interviews were coded using the “constant comparative method” (Glaser & Strauss, 1967), which allows for analysis of data as it is collected and comparison to new data as it is collected (Creswell, 2007; Glaser & Strauss, 1967). I transcribed interviews and created a coding regimen based on patterns observed in the literature and added new codes informed by my experience as a lobbyist. Tactics in the results section are flagged as “direct” or “indirect” tactics established in the literature (see Kollman, 1998). For example, tactics were coded as “direct” if they were in the vein of personal contact with a member of the legislature regarding a specific piece of legislation. Tactics were coded as “indirect” if they were broader appeals to the public to influence policy, such as working with the press or doing letter-writing campaigns.

Interviews are a powerful tool because they allow us to get to the thinking behind the lobbying. The approximately 45-minute interviews included multiple questions and probes to get at the same topics. My questions were informed by my role as an insider in the bounded world of

New York college lobbying, contrasting with previous literature, which mostly lacks the practitioner perspective. The interviews promise to reveal more about the process, not just the outcomes, of lobbying.

4.4.2 Data Source 2: News Reports

I read and digested approximately 200 randomly-selected news articles on higher education lobbying dated 2004-2014 to track higher education lobbying rationales and tactics across the 50 states—providing more detail on how and why colleges lobby. I gathered articles on higher education lobbying electronically via the Lexis-Nexis Academic Universe U.S. Newspapers database. A total of 4,461 articles resulted from a search of the terms “higher education ’and ‘lobbying’”, generating a mean of 405 and a median of 419 per year. The annual number of articles as a result of this search are shown below:

Table 24: Overview of 200 Randomly Selected News Articles About College Lobbying

Universe	Search terms	Selection process	Total number of articles per year
U.S. Newspapers as retrieved from LexisNexus Academic	“higher education” and “lobbying” and geographic(united states)	20 articles per year. Selected by Google random number generator.	2004: 271 2005: 347 2006: 423 2007: 537 2008: 380 2009: 374 2010: 437 2011: 432 2012: 419 2013: 431 2014: 410

Many articles were not news per se (e.g., were editorials or press releases) so I re-ran the number generator until I could find 20 relevant articles per each of the 11 years. I then coded news

reports to track name of institution, sector, lobbying rationale, and lobbying tactic. This analysis provides valuable data on college lobbying across time and geography, complementing my other two data sources.

Most news coverage related to lobbying at the state level. Twenty six percent of coverage (news mentions, which may occur more than once in an article) related to federal-level lobbying. Within that, 24% regarded public, 7% private, 14% for-profit, 55% all sectors. The state mentions were much more about public colleges (81%); the coverage split is shown in the figure below.

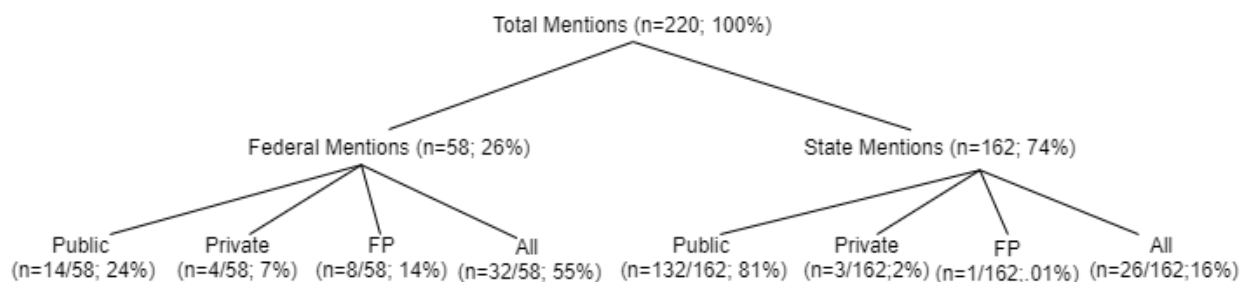


Figure 14: News Mentions of Higher Education by Federal and State Government

News reports were also coded using the “constant comparative method” (Glaser & Strauss, 1967). I created a coding regimen based on patterns observed in literature (e.g., types of governmental threats and opportunities), and added new codes using open coding. My coding strategy was the following: after reading an article, I generated a one sentence, familiar language summary of the tactic. I then reduced that sentence to a one-word term to generate a list of consistently coded tactics and rationales. These coded terms are my own, informed by my experience as a lobbyist, and often align with the existing lobbying literature.

All tactics are further refined into direct or indirect tactics as established in the literature (see Kollman, 1998). Some tactics, like “Coalition” and “Media” align with the “tried and true” tactics in Table 2 of Chapter 2. Some are unique to higher education and are flagged as direct or

indirect tactics. For example, the direct lobbying code “President” was distilled from a one-sentence summary like “UF president travels state lobbying legislators” while the code “Student advocacy” was distilled from a sentence like “student advocacy campaign - hashtag and meetings with legislators.” The indirect code “Affiliate” was distilled from a sentence like “Council on Postsecondary Education passed a resolution urging the Assembly to find more funding.” These sentences are themselves distillations of the actual news article.

The news analysis’s main strength is breadth. It covers a significant amount of time (11 years) and a broad geography (the 50 states). This longitudinal news analysis allows me to detect any peaks or valleys in rationales and tactics, and to look at commonalities despite different state lobbying idiosyncrasies.

4.5 Results

4.5.1 Lobbying Through the Stages of the Policy Process

In Chapter 3, I primarily focused on an ostensible product of lobbying: funding, which was assumed to drive lobbying and underlie the first two hypotheses. In this section, I aim to provide an inside look at the process of higher education lobbying, drawing from interviews, my own experience, and the news analysis. Next, I address the new questions arising from Chapter 3.

Why would colleges lobby for something that they seem to get from government in a pro forma way?

Although Pell grants are enrollment-based and there seems to be no way for one college to differentially receive more than another (besides expanding enrollment), I think it is important to consider Pell and federal research and development funds in the context of other funding

streams—from the point of the of the campus-based lobbyist who lobbies in large coalitions in the hopes of receiving funding to their campus. From my experience as a lobbyist, almost any funding is good funding. This may also explain why non-profit colleges may lobby for federal research and development dollars, which seem “pro forma” because all such colleges are all equally eligible. Although I quantitatively explored and provided results to answer research questions 3 and 4 (“Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?” and “Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?”, respectively), this new question gets at an underlying assumption that there is something special or unique about Pell and federal research and development dollars.

In this section, interviews with those who do my job at other colleges reveal how they view governmental resources as a portfolio to help balance their institution’s budget. Rather than solely lobbying for Pell grants, a college will spend its lobbying dollars and political capital advocating for *interdependent* resources from finite federal, state, and local budgets. Lobbying helps maintain a campus’s budgetary equilibrium. Not only do college officials view public funding from this portfolio perspective, but government policymakers setting budgets deal with a finite amount of money, and must adjust spending in different categories to maintain budgetary equilibrium. Interdependence means that resources that are not isolated from each other, from the policymaker’s point of view and the college’s point of view. College lobbyists have a multi-year perspective: interdependence means that colleges will lobby in support of one funding stream even when it might not hit their ledgers in a particular year, diminishing the notion of free-riding.

Also, I think that it is important consider funding streams in the context of time. The federal and state budget process means that funding buckets get more and more specific over

time. This prompts colleges to take action in increasingly specific coalitions. They first lobby in large coalitions for funding that would benefit their sector (e.g., formula funding like Pell or sector-based funding like research and development), and then in smaller groups in the hopes that funding will make its way to campus. I have certainly experienced this process as a lobbyist for a stand-alone, financially independent, private graduate school of education. Teachers College, Columbia University is supportive of (just about any) large funding programs for education, but those applicable to our type of institution and student are pretty specific. Lastly, the interviews show that lobbying infrastructure (on-campus lobbyists and associations) incentivize colleges to lobby for interdependent resources along the federal and state budget process, at least until a funding stream is no longer applicable to an individual campus.

I now apply these notions to the New York lobbying context. A college lobbyist, just like a college budget officer, does not look at funding streams in isolation. A college depends on many sources of funding and lobbies to maintain budgetary equilibrium. At the federal level, this includes Pell grants and student loan programs. State programs are also crucial. In New York, state aid programs include TAP (Tuition Assistance Program, which is like Pell for New Yorkers), Higher Education Opportunity Program (HEOP, tuition aid for disadvantaged students), Excelsior (free tuition for middle-income students at public institutions), and Bundy Aid (direct aid to independent colleges). If a state threatens to cut an aid program, a college will not only lobby to preserve it, but will also lobby to preserve or increase other sources, like Pell, to maintain its bottom line. In 20 interviews, college lobbyists and legislators cited budget-related topics as important reasons colleges lobby. The table below shows the number and distribution of higher education lobbying rationales mentioned by the New York-based interviewees.

Table 25: Higher Education Lobbying Rationales Mentioned by New York State-Based Lobbyists and Legislative Personnel

Lobbying rationale		Total Mentions		Mentions by college lobbyists (n=15)			Mentions by legislators and staff (n=5)
				Public	Private	FP	
Budget related	Student aid	N	%	N	N	N	N
	Tax code	18	34%	4	5	6	3
	Research	2	4%	0	2	0	0
	Capital	6	11%	1	4	1	0
	Budget	5	9%	2	0	0	3
	<i>Subtotal</i>	4	8%	2	1	0	1
Non-budget	<i>Subtotal</i>	35	66%	9	12	7	7
	Program approval	9	17%	2	2	5	0
	Sexual assault	4	8%	1	1	1	1
	Gainful employment regs	4	8%	0	0	4	0
	Entrepreneurship	1	2%	0	1	0	0
	<i>Subtotal</i>	18	34%	3	4	10	1
Grand Total		53	100%	21	28	24	8

This table shows that budget-related topics totaled 35 of 53, or 66% of all lobbying rationales.

See Appendix A for detail on rationale codes.

The news data shows that budget-related items accounted for the majority of reasons that newspapers across the 50 states say colleges lobbied. The table below shows frequency and distribution of higher education rationales mentioned in the news.

Table 26: Higher Education Lobbying Rationales Mentioned in U.S. Newspapers, 2004-2014

Lobbying rationale		Total Mentions		Mentions by sector			
				Public	Private	FP	All sectors
Budget-related	Budget	64	29%	54	2	0	8
	Tuition	35	16%	22	0	0	13
	Capital	21	10%	16	2	0	3
	Research	7	3%	4	2	0	1
	<i>Subtotal</i>	127	55%	96	6	0	25
Non-budget	Governance	17	8%	18	0	0	2
	Gainful	8	4%	0	0	7	1

Expansion	7	3%	6	0	1	0
Textbooks	6	3%	4	0	0	2
Guns	5	2%	6	0	0	0
Other	49	22%	16	1	1	31
<i>Subtotal</i>	<i>92</i>	<i>42%</i>	<i>50</i>	<i>1</i>	<i>9</i>	<i>36</i>
Grand Total	219	100%	146	7	9	61

Budget-related rationales account for 55% of all rationales. The fact that both sources of data converge on budget represents the important strand connecting government and higher education—a strand for which universities lobby. It is likely that the lower rate of budget focus in the news is due to the wider breath of topical focus and wider range of issues covered by reporters in the 50 states. For example, guns on campus are not a common issue in New York.

These budget-related items are lobbied for *en masse*. A lobbyist (C4) for a large private institution discussed how her institution lobbies for multiple funding streams during a single meeting, and

. . .[went to] the individual congressional offices and said, ‘hey this is how the budget, the cuts that [President Trump] is proposing for financial aid, could affect us in this way, this many students at [our college] receive Pell grants or the various other kinds of loans and if the budget goes through as proposed, this is how it would affect our students directly. You’re looking to make cuts in basic research, in these agencies; well we get this much in awards from these agencies and it will curtail the research that we are doing here at universities.’ (C4).

Also, if a state legislature cuts higher education funding, federal aid programs like Pell and student loans will be that much more important. State legislatures across the United States have cut aid to colleges, but federal revenues have increased. Figure 15 shows this trend over time.

State Funding for Higher Education Declined in Recent Years While Federal Funding Grew

Federal and state revenue per full-time equivalent student flowing to higher education institutions, fiscal years 2000-12, adjusted for inflation

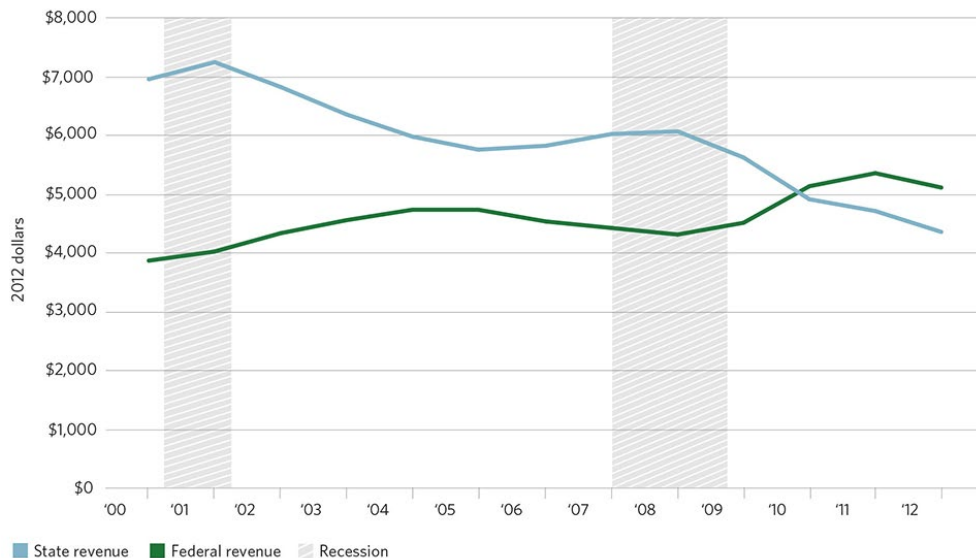


Figure 15: Federal and state revenues to higher education, 2000-2012

Source: Pew Charitable Trusts, 2015

Notably, the federal-state switch happened in right in the midst of this study's time frame, in 2010. The federal-state dynamic is important, as lobbyists explain below, and prompts colleges to simultaneously lobby at the federal and state levels.

Importantly, a college lobbies for its portfolio of funding streams at different stages in the budget process, in coalitions of descending size as funding programs get more prescriptive. This is something that I have seen as a lobbyist, and may explain some of the variation in year-to-year expenditures we saw in Chapter 3. For simplicity's sake, I consider three buckets of decreasing size: the overall budget, funding designed for specific sectors, and funding allotted to an individual campus. The executive budget is the first and biggest bucket. All industries—from agriculture to real estate—lobby to increase the federal and state programs they care about. Higher education needs to first band together to keep or increase the size of programs like Pell

that benefit all sectors. Then, sector-specific aid programs fall into the second bucket, for which colleges band together in smaller groups. For example, in New York, Excelsior is just for public colleges, while Bundy Aid is just for privates. For-profits often lobby for inclusion in these programs. Lastly, the third, smallest bucket is funding to individual campuses. The first two buckets are two major lobbying points *before* funding hits a campus. This encourages banding together to lobby for formula funding. But how long does the impulse to band together last?

I found evidence that colleges lobby together for funding in the first, largest bucket in the process. Interviewee C4 described going to Washington, D.C. in early 2017 after President Trump proposed funding cuts:

A great example is when President Trump just released his new budget. . .our job is to be real and manage expectations and we tell people that ‘don’t panic, this is just the way the budget process works, the federal government budget process, what the President proposes is his wishlist; Congress by no means is going to deliver that hook, line, and sinker,’ if you will. So, recently. . .my director [of government affairs] was in DC and he set up meetings and was accompanied by some of our colleagues from NYU and Columbia, we were in town because we all belong to the Science Coalition.

Colleges also band together to lobby for this first bucket in Albany. A contract lobbyist who has worked for all three sectors of higher education in New York, including the for-profit sector for 15 years, said how all sectors collaborate for the biggest bucket of student aid:

The primary focus has always been student financial aid. . .The priority has always been about ‘how do you make sure students can enroll have opportunity be successful and complete a degree with the least amount of debt?’ which has really aligned us to be able to work with the other sectors. And so if you think about advocacy or lobbying for student financial aid, for TAP, that has always been an area that all four sectors have worked on collaboratively. They may have different viewpoints on it, or we may have different impacts, but we have for the most part, always been aligned and working together from an advocacy perspective (C15).

This is a clear example of first bucket, cross-sector lobbying for student financial aid, a funding source that government distributes in a “pro forma” way.

I found evidence of lobbying for the second-largest bucket, which is funding for specific types of colleges: for example, a lobbyist (C8) for state public institutions discussed those smaller buckets, saying “There are a few issues that transcend public/private interests, like TAP, some things we can all be in agreement on, and others where we need to part company—Excelsior, the STEM scholarships, are only for publics, and the privates were trying to move in on those.” More recently, private colleges banded together in early 2017 to oppose Governor Cuomo’s Excelsior “free tuition” program for students at public colleges. “That was a very intense time,” a lobbyist for a small private college said, elaborating:

We worked with CICU [the Council for Independent Colleges and Universities, New York’s independent college association]. They had a social media campaign. They were really, especially trying to advocate against Excelsior, so a lot of it was trying to ensure that the College was very much a part of that (C9).

An in-house lobbyist for a major private research institution described how their institution bands together to lobby with other peer institutions:

It’s always about money. Money is the common thread. . . Sometimes we team up with our Washington people, if we’re going for a really big federal research center. And I talk to people like [the head of research at a major research university in New York]. So we work together. We’re going for a big research center and it’s competitive, so we’ll put in the best academic thing. I compare notes with [the aforementioned head of research], maybe a couple of other schools. . . And then what I do is I go to the state and I get a commitment of money and help us with the proposal (C12).

This example not only highlights how non-profit colleges work together to ensure that research funding is attainable by their sector, but also shows the interplay between state and federal funds.

I also found evidence of lobbying for the third bucket, the campus level, where there appeared to be sibling rivalry among “sister” public colleges. Group cohesion broke down. The next interviewee described how they lobbied at the campus-level even after a statewide, enrollment-based bucket of funding was approved:

Interviewer: What are some of the things you lobby for?

C5: For community colleges, our FTE [full-time-equivalent student] operating budget comes from the state based on enrollment, and the rest of our operating comes from the city, and our capital is a city and state match. It's like, we're children, and they're our parents and they take care of us.

Interviewer: Let me play devil's advocate for a second. If it's a formula, isn't it automatic?

C5: But the formula can increase or decrease. There are various years when there were tremendous cuts, from 2000-something, maybe during Pataki, there were consecutive years of cuts, where the per-head amount wasn't even back to where it was at that time, so you're always trying to inch back and get more if possible. That affects everything from how long you can leave your library open and additional advisors you can hire, things like that.

When there's a finite amount of dollars and you're competing against the sister institutions against [the university central office] itself, against independents, against everybody else, and all politicians are going to support all of them to an extent, many of them have publics and privates in their districts, you have to be sensitive of that and ask for what you ask for and hope to get it.

This lobbyist had to be "at the table" or their college might be "on the menu." Another lobbyist also described the competition within the public and private sector campuses for finite resources; almost like an arms race:

In the SUNYs or CUNYs or independents, all of a sudden someone hires an individual lobbyist, and then sister organizations is like, 'Well, wait, they may get something I may not get so I want to hire that person too.' So there's a lot more competition. If you look at the SUNYs, especially the larger ones, let's say UB [University at Buffalo, a SUNY school] hires its own lobbyist. Stony Brook [another SUNY school] usually hires a lobbyist right behind it, right, because they know there's only limited dollars, and they both want something. You can see the same thing that occurs in the independent sector, that if there's research money or something that's available, one institution may hire a lobbyist and then a similar institution will hire a lobbyist because they want access to that same resource (C15).

A contract lobbyist added "I think it's a 'me too' mentality: if they're doing it then we've got to do it. . . I've seen it in the SUNYs that hire lobbyists now because they can't get through to central administration" (C6). This intra-system competition may help explain the overall growth of higher education lobbying in recent years.

Lobbyist C6 elaborated on how the campus-level bucket works in New York. The lobbyist observed that the shift away from New York state-level earmarks (“member items”) and toward gubernatorially-controlled Regional Economic Development Centers led more colleges to lobby at the campus level:

My reading. . . is that the devotion to individual lobbying campaigns, especially in the area of higher ed has increased: we’ve seen individual colleges not using their trade associations as much because they have individual needs; they might have a capital project that they want to do on their campus, and they think they can go in and get some money for it. Sometimes that can be successful. . . I have seen an increase in these efforts, particularly around. . . the governor’s regional economic development councils and pots of money get distributed. It used to be member items, now they’re member items that get distributed by the governor. There are some colleges, mostly upstate, that basically hire a lobbyist to work to get a portion of money for a program or a building or something within that context.

The examples in this section underscore the interdependence of funding, and how campus-based lobbyist must consider all revenue streams—to maintain equilibrium. A campus-based lobbyist must also know when to join in with other colleges, when mutual interests are at stake. This is the case at the first stage of funding, when colleges lobby in large coalitions for formula funding that would benefit most, if not all coalition members. The impulse to band together dissipates as funding gets closer to home. Even when banding together at the first stage, I would argue that a campus-based lobbyist must never miss the opportunity to highlight the specific impact on a campus³⁴.

Infrastructure underlies these efforts. The notion that “lobbying begets more lobbying” implies that a college lobbyist will use their lobbying infrastructure to go for state funding and also lobby for Pell. For example, lobbyist C5 did city, state, and federal lobbying for a community college, something I can relate to. Although I represent a very specific type of

³⁴ These interviews with college lobbyists also underscore how colleges are *responsive* to governmental funding: President Trump’s threats to cut research and financial aid prompted interviewee C6 to join with other colleges. Governor Cuomo’s Excelsior “free college” program, prompted interviewee C9 and others in the independent sector to lobby.

institution of higher education, like lobbyist C5 and several other interviewees, I am responsible for city, state, and federal government relations.

Why would an individual college lobby if others are taking action?

If one college is dependent on one type of funding and lobbies for it, what is stopping others from free riding for things like student aid and research funding? What can an inside look at higher education in New York tell us about the way colleges come to gather to lobby for collective goods? In this section, interviews show that enterprising colleges drive coalitional agendas, allowing others to follow. I also find that there is in-group pressure to speak with one voice, which builds the heat and energy of a coalition. This implies that colleges will lobby for public goods, even if they do not differentially receive them at the campus level. Lastly, I observe that although battles may be picked and chosen, coalitional infrastructure provides the pathway for groups to coalesce.

Although an individual campus may not lobby one year versus another (or might spend less on those efforts), the existence of the associations offers longstanding infrastructure. For example, associations have longstanding relationships with policymakers and easy access to them, provide information and intelligence on issues, and offer templates for sign on letters. Associational lobbying thus facilitates, or begets more lobbying by individual campuses. And although there may be an overall shift towards in-house lobbying, I do not think that it means that colleges have stopped paying their association dues. Do associations encourage free riding? I next delve into that question.

Interviews and newspaper analysis show the prevalence of relying on associations as a lobbying tactic. The table below shows the number and distribution of tactics mentioned by lobbyists and legislators/staff.

Table 27: Higher Education Lobbying Tactics Mentioned by New York State-Based Lobbyists and Legislators

Lobbying tactic	Total mentions		Mentions by College Lobbyists (n=20)			Mentions by Legislators and staff (n=5)
			<i>Public</i>	<i>Private</i>	<i>FP</i>	
	N	%	N	N	N	N
Relationships	15	18%	8	4	2	1
Associations	9	11%	3	5	0	1
Coalitions	7	8%	3	2	2	0
Meetings	8	10%	1	3	0	4
Contributions	3	4%	0	2	1	0
Blocking	2	2%	0	0	2	0
Testify	1	1%	0	0	1	0
<i>Direct subtotal</i>	<i>45</i>	<i>54%</i>	<i>15</i>	<i>16</i>	<i>8</i>	<i>6</i>
Expertise	8	10%	2	4	1	1
Student lobby day	6	7%	2	0	2	2
Invite to campus	6	7%	4	2	0	0
Media	5	6%	2	3	0	0
Economic impact	1	1%	0	0	1	0
Reputation	3	4%	1	2	0	0
Alumni/grassroots	8	10%	7	0	0	1
Join committee	2	2%	0	0	2	0
<i>Indirect subtotal</i>	<i>39</i>	<i>46%</i>	<i>18</i>	<i>11</i>	<i>6</i>	<i>4</i>
Grand Total	84	100%	33	27	14	10

Associations were the second-most frequently-mentioned lobbying tactic by lobbyists and legislators/staff; from my perspective, associations are indeed an essential way to lobby, especially among less wealthy institutions that cannot afford an in-house or contract lobbyist.

With regard to Hypothesis IV, the table above shows that direct and indirect tactics were split 45/39. I coded tactics as “direct” if they were in the vein of personal contact with a member of the legislature regarding a specific piece of legislation. Tactics were coded as “indirect” if they were broader appeals to the public to influence policy, such as working with the press or holding rallies. The almost even split suggests that colleges rely on multiple methods of

lobbying. Within the sectors for-profit colleges used direct tactics eight times and indirect tactics six times, supporting Hypothesis IV.

A national news perspective shows that direct tactics are more prevalent across sectors.

Table 28: Higher Education Lobbying Tactics Mentioned in U.S. Newspapers, 2004-2014

Lobbying tactic	Total mentions		Mentions by College Sector			
			<i>Public</i>	<i>Private</i>	<i>FP</i>	<i>All</i>
	N	%	N	N	N	N
Other	46	30%	34	1	3	8
Coalition	28	18%	15	0	0	13
President	25	16%	23	1	0	1
Association	22	14%	2	3	1	16
Affiliate	15	10%	11	0	0	4
Backoff	10	7%	8	0	0	2
Legislative champion	6	4%	4	1	0	0
<i>Direct subtotal</i>	<i>152</i>	<i>71%</i>	<i>97</i>	<i>6</i>	<i>4</i>	<i>44</i>
Student protest	26	41%	20	0	0	6
Media	18	29%	11	0	4	3
Other	12	19%	6	1	1	4
Student lobbying	7	11%	6	0	0	1
<i>Indirect subtotal</i>	<i>63</i>	<i>29%</i>	<i>43</i>	<i>1</i>	<i>5</i>	<i>14</i>
Grand total	215	100%	140	7	9	58

Across all sectors, colleges relied on direct tactics 152 out of 215 instances, or 71% of the time.

The for-profit sector used direct tactics four out of nine times (44%). This is a very low sample size, however, so it would require more research to draw any definitive conclusions about

Hypothesis IV.

I tried to assess what was happening within the higher education lobby, especially if and how free riding took place, via interviews. I asked college lobbyists the question “Are there instances where you didn’t want to, or find the need to lobby?” but no one would admit to free

riding. Rather, lobbyists C4, C6, and C9 answered by alluding to picking one's battles (suggesting that others do the battling), and lobbyists C5 and C6 said they remained contentedly silent as governors wrought them financial windfalls--meaning, they could essentially free ride. In addition, I believe that free riding happens as leading institutions drive coalitional agendas, described next: interviewees were often proud of leading the way on coalitional efforts. Below I highlight three ways in which this happens.

A lobbyist (C1) for a large for-profit college told a story how his presence at a meeting softened resistance by a legislator, to the benefit of other for-profit colleges that did not contribute to the legislator's campaign. The otherwise unfriendly Congressional committee chair greeted this lobbyist with open arms, benefiting the group of for-profit colleges, including those who did not contribute to the member's fundraiser.

Next, while facing an unprecedented threat due to Governor Cuomo's Excelsior "free tuition" program at public colleges and universities, a lobbyist (C9) for a small private college described how their college wanted to be front-and-center of a lobbying campaign set up by CICU:

I think this year [2017] has been extraordinary, the amount of time, the communication, it's a paradigm shift. . . When the governor dropped 'well we're gonna do free tuition 'on January 3rd it was like 'woah. '. . We worked with CICU. They had a social media campaign. Especially trying to advocate against Excelsior. That was a very intense time. We tried to ensure that the College was very much a part of that. We were very early on. We had a phone conversation with [CICU leadership] on day three that said the College wants to be a leader in this effort. And we held a summit in the capital region. We were the first college to coordinate all the colleges in the capital region. I coordinated all of that. . . We wanted to be right in there in that effort.

Although CICU may have been a ready-made association to respond to the Excelsior threat, it is clear that this particular college played a leading role that other colleges could follow.

Lastly, a lobbyist for a larger private college drove the CICU agenda in a “bottom-up” way. This lobbyist, from a New York City-based institution, described a “love/hate” relationship with CICU, and so works with a sub-group of private institutions to address New York City-specific issues (which bleed into state—and federal—issues). Interviewee C4 said this group is where “I think we all get our best practices” and elaborated:

I think everyone can agree that so much has changed with the face of government relations and in particular lobbying and a united front is so important. And with this [New York City-specific] group, we do that, we have sent joint letters to members, we have had folks coming in address us, John D’Agati, the Deputy Secretary of Education, our meeting next week Deborah Glick [Assembly Higher Education committee chair] is speaking again, we have had Brook Gesser, Senator Gillibrand’s senior higher education staffer. So this has been. . .really an amazing experience for all of us. . .We strategically come up with lobbying plans that have gone down that path. and we fought for things collectively which gives us a much more stronger voice. So just by normally doing that, we can look at things. . . I think it makes us stronger and again, it’s good thing and I am very happy about that.

This same enterprising lobbyist had op/eds published and held press conferences in response to Excelsior. It seems that these examples of individual colleges shaping a group’s agenda allows other, less vocal association members to follow suit or free ride.

Although free riding likely happens among New York colleges and universities, the previous quote above touches on another, possibly countervailing point: there are pressures not to free ride. One reason is that the higher education lobby values speaking with one voice. To get at peer-to-peer influence, I asked the question: “Is your school influenced by other schools’ choice to lobby?” In response, a lobbyist (C2) for a large private university said:

I would say it’s influenced in that you wanna speak as a sector. Strength in numbers, right? We do work with a lot of associations, we’re close with our colleagues at peer institutions or other research universities, other universities in New York City, whatever that commonality is for that issue. And so you do wanna be in the same boat.

A lobbyist for another large private university echoed that sentiment: “There’s a desire to sort of all be on the same page. There is, because you know your voice is usually stronger when it’s

unified rather than when it's divided" (C7). I posit that the desire to "be in the same boat" is a solidary incentive that puts pressure on colleges to lobby for the larger, earlier funding buckets like research and development and Pell, even if campuses do not necessarily differentially receive funding. But what is the mechanism by which colleges speak with one voice?

Within the higher education lobby, the sign-on letter is an important way for colleges to nudge each other to speak with one voice. A typical sign-on letter can be circulated on association letterhead, and asks a group of legislators (like an education appropriations committee) to preserve or increase program funding. Before signing the letter, a college must make several decisions. It may do an internal calculation, weighing the costs of benefits of sign-on. It may look to peers and ask why they signed on. It may want to use the letter for "cover" to not be out in front of an issue. A lobbyist for a large private university described this process in great detail:

At a sort of operational level in terms of doing your day to day business, there's a lot of looking at what others are doing. There's a lot of peer pressure, or lack thereof, there's a lot of not wanting to be out in front on an issue by name without sufficient cover from other institutions. . . I think sign-on letters are good example. . . There's a political and a PR calculation on many of these issues. So let's say there is a sign-on letter being circulated by some association asking for an additional \$5 million at NIH, whatever it is. . . Sure that's a great idea.

We'd love them [Congress] to fund the NIH but, you know you also have to evaluate that . . .and frequently . . . ask the question 'who else is signing on to this?' If it's every Ivy League school and, and what we call the Ivy Plus schools which include you know like Stanford and Chicago and Duke and Vanderbilt and Wash U, basically the Ivy Plus schools, the wealthy, elite private universities, private research universities. If they're all on the letter, yeah, we probably get on the letter. But if none of them are on yet, we'll wanna find out why and, and do some sort of diligence about . . . 'how are you guys thinking about this, et cetera.' So there's peer pressure at that level (C7).

So, peer pressure, in the form of information gathering, seems to be a form of nudging to get everyone in the same boat. Interviewee C2 described how college lobbyists share information, which may lead to more signatures on a letter:

Are other New York schools signing on this letter or are other major research universities signing on this letter? There is some kind of confirmation and dialogue between all of those schools. That's not to say on a particular issue we might not have a different opinion of another school, but generally if you're speaking with one voice as a common sector you're going to be stronger anyway, so let's work together on it. So I think that there is some influence. I think what also happens sometimes is that you know your colleagues at other schools very well and they're able to highlight issues for you that maybe you've missed. . . So if your colleague from Ohio State has called and asked 'hey have you looked in to this?' So I can say that it can be influenced, but not in a negative way.

Thus, peer pressure does not have to be negative. This lobbyist's example suggests that positive, collegial highlighting of issues is an effective way of garnering signatures on a sign-on letter. This rings true from my experience.

In conclusion, this section on lobbying through the policy process addressed two questions: *why would colleges lobby for something that they seem to get from government in a pro forma way?* and *why would an individual college lobby if others are taking action?* Both questions address the assumption that funding is connected to lobbying underlying the first two hypotheses: H1. For-profit colleges with higher Pell Grant dependence will lobby more and H2. Non-profit colleges with higher federal research and development dependence will lobby more.

I find that although issues change year to year (or even day to day), the very existence—the infrastructure—of associations is important and provides an easy way to help colleges lobby for collective goods. Associations monitor legislation, have relationships with government officials, circulate letters, and give deadlines (another form of nudging). Although the association almost by nature allows for free riding, these interviews suggest that the higher education community values speaking with one voice, and member colleges check in with one another to gauge whether similar institution signing on, or what is stopping them from doing so. This seems to be a good way to build higher education interest group cohesion along the first two stages of the budget process. That is, colleges will lobby for public goods, even if they do not

differentially receive them at the campus level. Together, the interdependence of funding, and these intra-interest group dynamics along the policy process shed light on why a college would lobby for collective goods even when funding appears to be automatically granted. This helps answer the two questions posed above and addresses the underlying assumption of the first two hypotheses that funding is connected to lobbying.

4.5.2 Topics That Drive Lobbying

Higher education lobbying is not just about student aid or research dollars; in fact, it is not always about money. My interviews help answer what Chapter 3 could not: the additional rationales for lobbying, particularly those that do not fit the regular, annual budget cycle. The interviews also add new lobbying rationales not covered in the news analysis of this chapter. This section sheds more light on the *why's* of lobbying and helps answer one of the remaining research questions: *how do external pressures like media attention affect lobbying?*

In Hypothesis III I posit that accountability measures, especially high-profile measures, trigger a lobbying response. This contention rests on a few legs. First, in my experience as a U.S. Senate staff member and as a university lobbyist I noticed how much policy is driven by what is in the news—or, at least, much time and energy is spent responding to high-profile topics that make the front page. And certainly, most colleges do not want to make the front page unless it concerns good news. Second, politicians from both sides of the aisle make news and respond to it, target colleges and universities by posing accountability measures to respond to constituent concerns like the rising cost of tuition and sexual assault, possibly perpetuating the populist tide against higher education. Third, as mentioned in Chapter 2, since corporations lobby against restricting regulations, colleges may too; colleges, like any organization, are sensitive to negative press coverage, and, as I will show below, the accountability measures mentioned are often

attention-getting. In this section I unpack the accountability-lobbying connection by noting data and examples from the news, interviews, and my experience.

From a broad perspective, the news analysis shows that accountability-related topics, like gainful employment and the federal Postsecondary Institution Ratings System (PIRS) together constituted 20 of 219 (9%) rationales for colleges to lobby, making accountability the fifth-most frequently-mentioned lobbying rationale in newspapers. Table 27 breaks down these 20 mentions.

Table 29: Accountability discussions in the randomly-selected news coverage about college lobbying and registration percentages, 2004-2014

Year	Accountability measures	Number of mentions
2004	N/A	0
2005	N/A	0
2006	New rules for Academic Competitiveness Grant; student “unit record” database.	2
2007	Privacy law to reporting requirement; Student learning measures in IPEDs.	2
2008	Increased regulations; Stimulus money; state budgets; disclosure requirements	4
2009	N/A	0
2010	Rules on credit hour definition; gainful employment; for-profit marketing.	4
2011	Gainful employment.	4
2012	Gainful employment; other regulations.	2
2013	College rating system; tax law.	2
2014	N/A	0
Total		20

Accountability measures were disproportionally mentioned in relation to for-profit colleges: eight or 40% of accountability mentions were related to for-profits—this is notable considering that during the study period, for-profits constituted a mean of 19% of colleges (and 8% of enrollments). Meanwhile, other measures, like PIRS or regulatory burden, concerned all sectors.

Bringing together data from the database, there is some evidence suggesting a rough connection between lobbying and accountability measures mentioned in the news, supporting Hypothesis III. In chapter 3, the database shows that public college lobbying swelled in 2008, during a media accountability coverage bump; for-profits spent the most on lobbying in 2010 and 2011, the years when the news indicated the most accountability activity.

In interviews, accountability rationales constituted eight of 53, or 15% of lobbying rationales mentioned by New York lobbyists and legislators/staff, together making accountability measures the third-most frequently mentioned lobbying rationale, supporting Hypothesis III. I next explore specific accountability topics in depth, and how college lobbyists said they lobbied in response.

Sexual assault

As mentioned in Chapter 2, the Obama administration from 2011 through 2016 aimed to hold colleges accountable for sexual assault complaints, ramping up civil rights investigations (Lipka, 2015). In New York, Governor Cuomo in 2015 released “Enough is Enough” rules for colleges to comply with sexual assault reporting. A lobbyist for private colleges explained how this came on the heels of the high-profile, national movement, and the difficult but necessary way colleges needed to respond:

As you have seen, Matt, in the last couple of years, even though there is this general hands off approach because you're private, there has been a reaching-in a little bit more by the federal or state government starting to meddle into what the private colleges and universities required to do. While they [the colleges] don't oppose these things outright, they certainly want to make sure that whatever is being put on them from a regulatory perspective isn't an increased cost that the college has to bear without any state funding. It's a mandate.

Sexual assault for example, which has been sort of an issue around the country, well, it came to New York—it's political—the governor here wanted to impose certain requirements, on how the reporting occurs and how the college has to treat the victim or nonvictim during the process, and so if you're a college administrator—adding in those requirements, while you don't oppose them, and obviously you want to do the best for your students, the problem is not one size fits all doesn't work (C6).

Another lobbyist was a bit blunter, and explained the forceful way the governor released the accountability regulations, the burden it put on the college, and the college's compliance:

C3: The governor put out a program called Enough is Enough, which applies to all sectors and that required a fair amount of work done into college level. Whatever the Monday was before the 4th of July, the day before the 4th, they mailed a letter saying they wanted a response by Friday from these colleges, on a whole series of questions. Sort of an audit. So we got involved, going to them, the governor's office, and saying 'this is like Trump putting up the wall, ok? This is a crazy way, you mail something on a Monday, you want it on a Friday, there's a holiday in the middle of it.' So part of our life is to make sure that their goal is accomplished, they get done what they want. . . (C3)

Interviewer: So that happens periodically?

C3: It happens more than you think.

As documented in Table 23, sexual assault was mentioned as a rationale to lobby four times, once each by public, private, for-profit lobbyists, and by a legislator.

College endowments

Politicians on both sides of the aisle have long targeted wealthy colleges to disclose financial data and pay a tax on endowments. Although this topic did not appear in the randomly-selected news articles, it appeared in the news, as mentioned in Chapter 1; it came up in interviews, and traces back to the beginning of my career as a higher education lobbyist. It is also significant as a populist issue. I saw this issue permeate locally. For example, a big motivation for Princeton University to create my position as state legislative assistant in 2006 was because a Democratic state legislator introduced, and had approved, language in the state budget to withhold state aid to private institutions "with endowments above \$1 billion." At the time, Princeton was the only university with an endowment above \$1 billion, and lost about \$500,000 in state aid in 2006.

Republican Senator Charles Grassley spearheaded the endowment tax idea at the federal level, along with other accountability measures to ask colleges to publicly reveal detail about their finances. In early 2008, it was reported that Senator Grassley

has kept college officials busy over the last two years with a slew of inquiries and requests for information about a range of topics, including college governance, presidential pay, research entanglements with corporations and, most recently, whether they should be spending more from their endowments to bolster access to college for needy students (Lederman, 2008).

The calls for fiscal accountability resembled an audit, and in focusing first on the wealthiest institutions, I think were populist-driven, and demanded a college lobbyist response. Becky Timmons, assistant vice president for government relations at the American Council on Education said that Senator Grassley and his colleagues “have chosen to collect information from a relatively narrow set of extremely wealthy (and in many ways unrepresentative) institutions – ‘136 out of 4,300’ colleges –with the idea of using their situations to make policy for all of higher education” (Lederman, 2008). In 2017, House Republicans proposed a tax on graduate student stipends, a cap on their student loans, and a tax on college endowments. The endowment tax passed into law in 2017.

Gainful employment

Gainful employment accountability measures are another example of a high-profile measure against which colleges—for-profits in particular—lobby. These measures are specific standards relating to student debt and income³⁵ and are related to the “90:10” rule that limits for-profits from using more than 90 percent of federal Title IV dollars for their revenues. As

³⁵ For example, in 2014, colleges could not allow graduates’ student loan debt payments to exceed 12% of their income and 30% of their discretionary income. Further, programs whose graduates exceed these levels will have to warn students and risk becoming ineligible for aid (Field, 2014).

mentioned in Chapter 2, the rules were implemented largely in response to dramatic accounts of students being scammed by for-profit colleges.

I find a connection between gainful employment regulations and lobbying. As indicated in Table 27 above, gainful employment was mentioned as a reason to lobby six times in the news analysis, making it the most commonly mentioned lobbying rationale. Among New York lobbyists, gainful employment was mentioned four times, exclusively by for-profit lobbyists, as indicated in Table 23 above. For instance, for-profit lobbyist C15 said that the for-profit sector in New York drew from gainful employment lessons learned at the federal level when Governor Cuomo in 2019 announced for-profit accountability legislation. The governor's high profile proposal targeted for-profit colleges broadly, so this for-profit lobbyist made sure to differentiate their clients from non-degree granting for-profits which attracted negative media attention:

Strategically, from a regulatory standpoint as well as a legislative standpoint, we differentiated ourselves from the non-degree—the beauty schools, the truck driver schools, the coding schools. They have a completely different regulatory structure. And so we have always made sure to say ‘that's not our area to be involved in, that's theirs, but they should also have strict regulation’ because a lot of things that have occurred that have been negative or sometimes get negative press in New York.

In New York, she pointed out, there no longer any publicly-traded for-profits like the University of Phoenix and DeVry University, at which students have high income-to-debt ratios. Governor Cuomo in 2019 proposed the For-Profit Accountability Act as a response to U.S. Education Secretary Betsy DeVos's for-profit deregulation of Obama administration rules; the New York measure was defeated in the legislature (Toure and Gronewold, 2019).

Cost of college

The rising cost of college was a consistent topic of debate during this study's time frame. Of the 214 articles I reviewed, 76 concerned tuition and budget, (e.g., a state university lobbied a

legislature to keep a tuition assistance program). Twenty-four of these articles noted attention-getting advocacy tactics like college students launching hunger strikes and sending marching bands to state capitol buildings. This media attention, I posit, is connected to bipartisan politicians' critiques of colleges for the ever-rising cost of tuition.

In Chapter 2 I mentioned the Obama administration's Postsecondary Institutional Ratings System (PIRS) college cost proposal of 2013. The proposal, I think, was in direct response to Americans' persistent complaints about the ever-rising cost of tuition. PIRS would have rated colleges based on affordability metrics, a measure the media reported that colleges from every sector lobbied against (Stratford, 2014). The proposal took years to develop, and eventually ended up with an online College Scorecard, (Kreighbaum, 2017), a measure made less toothy in part due to higher education's pushback.

In 2014, the Obama administration extended this accountability thinking to graduate education school funding, and proposed that federal graduate education school funding would be based on test scores of teacher college graduates' *students'* test scores (Sawchuk, 2014). As a lobbyist for Teachers College, I spent much time tracking, analyzing, and responding to the PIRS, and this graduate education school proposed regulation—individually and with associations.

College accountability measures played out locally as well. This was during a time when standardized testing and test-centric charter schools gained national momentum, and in New York City, Chancellor Joel Klein proposed a “value-add” regression model to link teacher salary to student test scores—another proposal we pushed back against, from a “good public policy” and self-interested perspective. Even more locally, from my experience at Princeton and Columbia, I have noticed politicians even in these very liberal local districts gain political points

with constituents by attempting to rein in expansion plans of these wealthy universities, with rhetoric in community meetings and in the press, and by activating local land use regulations. The apparent wealth of some universities generates resentment easily capitalized by politicians.

In New York in 2016, Governor Cuomo directed a college cost accountability measure at private colleges and universities. He proposed to tie state aid to the cost of tuition. One lobbyist thought this proposal was facilitated by non-profit higher education's inability to donate to political campaigns:

If [we] could, through our own institutional resources, create a PAC along with other private institutions in New York, in the way that other industries do, sure, you could argue we get more done, or that we wouldn't always been in the cross-hairs of the executive branch for issues. If universities funded Cuomo's campaign account in the way that developers do, there's no planet in which he'd try to tie Bundy Aid and TAP for private institutions our tuition price. That's crazy, never in a million years he'd do that. But he could do that because we don't have that sort of power in the way that the private, the non-tax exempt sector does to throw our money around (C7).

This inability to make campaign contributions may not only open the door to accountability measures but also seems to differentiate college lobbying from corporate lobbying, suggesting that colleges do not lobby like corporations because they cannot.

4.5.3 Do Colleges Lobby Like Corporations? Insider Voice

Looking more closely into the “inside look” of higher education lobbying, I now share the thoughts of those closest to the topic, higher education lobbyists. One straightforward way to find out if colleges lobby like corporations is simply to ask lobbyists that question. In this final section, I synopsize interviewee's response (in italics) to the question of whether colleges emulate corporate lobbying. The answers, which I categorize below, were surprising because most said no.

Yes. A legislative staffer on the state Assembly higher education committee was one of the rare people who did not think higher ed lobbied differently from other groups:

I don't see a dramatic difference between what college and university does or any other specific group. (L5).

The only college lobbyist who said yes was a for-profit college lobbyist:

Yes, industry has a lot to do with what we do and don't do. We look at some other schools as well, you have to look at what others are doing to measure yourself, that plays into what you're doing. The answer is yes. (C1).

No, because they do not have enough funding. Three college lobbyists said that they would like to adopt corporate lobbying tactics but could not due to funding constraints:

If I was like the NRA, I'd be putting ads on TV every week about 'students needed choice, why should they just have to go to a SUNY or CUNY school? 'When our graduation rates are better, and this is better and that's better. So if you look at the successful organizations who have a robust budget, yes, we would have a much easy time getting our word out. —A lobbyist for a large private university (C4).

If you walk around Albany, everyone has their one-pager leave-behind, they have their key stats, they have their pretty graphics, and that's something I think that—I don't know if it's just us or if it's our sector overall, you know we may have been a little bit late to the game of the data, the numbers, the visual elements, 'here's your packet of leave behind professional looking materials. 'Sometimes that's hard to do because internally we don't have the resources to put that all together but when I think that when you look at a private company or other industry groups they have probably done a better job at that. —A lobbyist for a large private university (C2).

No. We don't have the money, per se, to do any kind of large scale. A lot of our work is grassroots, person to person. I'm sure industry and others are able to spend a lot more money on lobbying. Like, we don't hire a high profile lobbying firm in DC to represent our interests. — A lobbyist for a large public university (C11).

No, because of campaign contributions. Additional college lobbyists pointed to the legal prohibition for non-profit institutions to make campaign contributions, and did not necessarily think that was a bad thing.

What sort of separates our industry from other lobbying industries. . . is fundraising. We are prohibited by law to make those contributions to candidates or PACs.—A lobbyist for a large private university (C7).

Contributions are a restriction on a college that might not be a restriction on some other industries—and honestly I think you benefit from the fact that the law does prevent this because the reality is you don't want to get into that game. Once you start it never ends, and if none of the colleges can do it, you're not that worse off. But through CICU, you could certainly have a what's called a political action committee. – A contract lobbyist for private institutions (C6).

No, because of other characteristics unique to colleges. A member of the Assembly higher education committee said that colleges do not have an obvious opposition:

Unlike most industries that are looking for certain advantages, we are likely to hear from consumers opposed to that. In most instances, the students and the institutions are kind of on the same page except when it comes to tuition increases. . .As opposed to insurance industry. There are very few people coming and saying 'we don't want the colleges to succeed' (L1).

One college lobbyist and two legislators highlighted the less tangible factors that affect higher education lobbying, like mystique, ethical support, and self-righteousness:

I used to think—why does someone want to be chair of the higher education committee for 30 years? Think about that for a minute. Higher ed has a certain prestige and mystique to it. When you go to commencement and you're not an academic, and they put you on stage the cap and gown, you get to feel like you're part of the club. That's a pretty cool thing for a politician in a lot of ways. – A lobbyist for a public university system. (C8).

Some of the other differences between the higher education generally and most everybody else is who comes to lobby is that almost all of higher education in New York state, public or private, is not for profit, and that certainly gives them, to most legislators, a higher ethical claim or support, the product they produce is highly valued by almost everyone in the legislature. You know you can get through life without an SUV but you know having a college education is pretty important. So I think that I think those two factors, the fact that there are there's no profit being paid out to stockholders in almost all of higher ed, and the fact that the product is very specially regarded, are probably the biggest differences. –A member of the Assembly higher education committee (L3).

Other industries who come to you to say 'we employ 250 people 'and that's 250 people who pay taxes and whatever else. With the higher education folks—you get that along with their self-righteousness. About the fact that they educate people. . .So other purer zones of work rely on their economic justification. Higher ed also relies on their self righteousness- 'if you don't help us build this science building, the person who will cure cancer won't get it.' That's nice, isn't it? . . . There's some of that in all of higher ed. Self righteousness. The only ones who are more self-righteous are the religious institutions. –A member of the Assembly on the education committee (L2).

No, because of connections to the local community. The remainder of responses rounded out why higher education lobbying is different from corporate lobbying. A legislator staffer and three college lobbyists mentioned students, alumni, and economic contributions.

An industry can fly in their AVP [associate vice president] and tell you about a plant in Battavia. . .versus there are 100 schools in a district; SUNY and community colleges have a more active role. – A state Senate education committee staffer (L4).

‘[Our university] is important; in some of these senate districts, you’ve got 30,000 alumni living there, or there’s 1,000 employees depending on the geography. That resonates with the elected officials.—A public university system lobbyist (C8)

It’s different because you’re talking about students. You get much more leeway to, I’m not gonna say act crazy, but to bring issues to the attention of people. Because every school is an economic driver in the region, they’re employing people. They’re servicing people, providing continuing education to the community and again that’s one of the things that we stress, not only the success of our students getting jobs, paying back their debts but we talked about the economic driver of the institution particularly upstate where there are more small communities, they’re huge employers. –A for-profit college lobbyist (C3).

We are totally in a different world. So these other industries, their big threats are to say to New York State ‘Sorry. We’re going to pack up and leave. ’We can’t do that. –A lobbyist for a large private university (C12)

These responses were eye-opening, and somewhat surprising to me. I thought that more people would consider college lobbying in alignment with corporate lobbying, given the broad national trends to tailor spending decisions to available governmental funds, emulate corporate tactics, and hire in-house lobbyists, and simply, because corporations know how to “get their way.” Indeed, the pattern of hiring college lobbyists from the corporate sector became more common over the three-year span of interviews: in 2020, two lobbyists, one from a public college and one from a private college, mentioned that their newly-hired boss (associate vice president for government affairs-level positions) was from the corporate sector. This may be a coincidence, or it may be a trend.

The anecdotes in this chapter reveal the unique characteristics of New York higher education: a disproportionately powerful governorship (and governor), a stable for-profit sector

that no longer includes publicly-traded organizations, major private research universities, large city and state-wide public systems, and competition across and within sectors. So, to do an “apples-to-apples” comparison with national trends, future research could also compare New York lobbying registration and expenditure data, and could include interviews with lobbyists in other states.

All said, the insiders raise convincing points—from the practical to the mystical—on why college lobbying does not resemble corporate lobbying. Their views should be considered along with other data when painting a complete picture of the college lobbying landscape.

4.6 Conclusion

In this chapter, I leveraged qualitative methods to focus on the process of lobbying, in addition to its product. Interviews revealed the intricate stages of the policy process in which lobbyists do their work, the tactics they rely on, and the topics about which they lobby. Together, this exploration helped address the remaining research questions of this study, and the questions arising from the quantitative exploration.

At the outset of the chapter, I aimed to address several research questions. A new question arising from Chapter 3, *why would colleges lobby for something that they seem to get from government in a pro forma way?* concerned an underlying assumption about the nature of governmental funding. In this chapter, I argue the nature of this funding—from the college’s perspective—is interdependent. I argue that public funding to colleges should be understood as an interdependent portfolio that is pursued at increasingly specific stages of the budget process. A campus-based lobbyist must consider all revenue streams—to maintain budgetary equilibrium—and will lobby in large groups, like associations, for first-stage public goods that do not necessarily hit their campus’s ledgers. But there is more competition as funding gets more

specific: interviews showed clear examples intra-group competition, leading to more lobbying, and even among “sister” institutions within a system.

Research Question 5 asked *Why would an individual college lobby if others are taking action?* and concerned free riding. In this chapter, I argue that associations provide lobbying infrastructure, are an important lobbying tactic, and contribute to free riding. I find that free riding also happens as entrepreneurial institutions drive coalitional agendas, allowing others to follow. Free riding does not continue in perpetuity: interviews demonstrated in-group pressure to speak with one voice. Such solidary motives suggest that even if a school does not differentially receive funding at the campus level, it will lobby for earlier funding buckets like research and development and Pell. I also find that college lobbyists nudge each other in subtle, positive ways to build coalitions and sign on letters.

Research Question 6 asked *How do external pressures like media attention affect lobbying?* while Hypothesis III stated that all sector spending and registration is positively correlated with media coverage of accountability regulations. In this chapter, I argue that lobbyists do not only lobby for money: they lobby against measures that might raises costs and burdens to colleges. High profile topics not captured by the database include sexual assault accountability measures directed at colleges in New York by a strong governor. Federal legislators targeted colleges on topics like college endowments, gainful employment, and the cost of college, all of which demanded a college lobbying response. This response fed into the lobbying expenditures described in Chapter 3. But how did colleges respond? Did they lobby like corporations?

Not exactly. Research Question 7 asked *which tactics do colleges use to lobby?* While Hypothesis IV states that public, private, and for profits employ similar lobbying tactics, with

for-profits relying more on direct tactics. In this chapter, I news reports showed that colleges relied on direct tactics 71% of the time, with the for-profit sector relying on direct tactics more often than indirect tactics. However, interviews revealed that colleges relied on direct tactics only slightly more than indirect tactics. Together, these findings provide some initial support for this exploratory hypothesis.

In response to the last and main research question, do colleges lobby like corporations? I find that interviews with college lobbyists and legislators and staff strongly suggest that colleges lobby differently than corporations, due to colleges' (mostly) tax-exempt status, their unique role in society as education providers, and their commitment to local communities. This set of findings add nuance to my main research question. It also underscores that colleges may retain elements of the government-higher education "parastate" observed by Loss (2012) and have a frayed-but-still-connected relationship observed by Brint (2019). In the next and final chapter, I tie together conclusions and lay out implications for the fields of political science, higher education, and lobbying.

Chapter 5: Implications

5.1 Review of Study

In this beginning of this study we met Aaron Kraus, Ashok Kumar, and Suri Kempe, three college students who sacrificed their health during hunger strikes to protest insufficient governmental tuition aid to students. Aaron, Ashok, and Suri's situation vividly illustrates contemporary higher education-government relations—the “frayed” era. The challenges were not always so dire; before the protest movement of the 1960's, government and higher education enjoyed a much friendlier relationship, with college presidents like Columbia's Nicholas Murray Butler offering “the entire resources of” Columbia to Woodrow Wilson's war effort (Barrow, 1980: 126), and colleges receiving an “unexpected windfall” in G.I. Bill funding after World War II (Thelin, 1994).

When I tell friends from places like Germany or China about my job—that I get paid to help a college get funding from government—they usually respond “Why do you need to do that?” From an outsider perspective, it might seem strange that American federal and state government does not sufficiently fund the country's colleges and students, that there is over a trillion dollars of student debt, and that my position is even necessary. What happened between the higher education-government “parastate” of the 20th century and today? Put simply, why does higher education lobby?

At the beginning of this study, I posited that colleges lobby like corporations. I first based this on existing research that pointed in this direction. As reviewed in Chapter 2, the joint forces of racism, populism, anti-intellectualism, privatization were the visible, frayed strands in the higher education-government relationship. This put colleges on the defense, so colleges might have emulated corporations, which successfully parlayed regulatory threats in the 1960's and

early 1970s. As the corporate ethic permeated society and government, bipartisan officials demanded corporate-like returns on investment of educational institutions. Higher education not only used lobbying to play defense, but also to play offense. Higher education hired more lobbyists and spent lobbying dollars in pursuit of federal Pell and research and development funds (Cook, 1998; de Figueiredo and Silverman, 2006; Marsicano, 2019; Mettler, 2014).

However, colleges lobby for other reasons besides securing funding. Although colleges may band together to lobby for increased federal funding pots, they break off for a “slice” of funding and choose not to free ride due to solidary or purposeful motivations. Additionally, all types of colleges have been the target of government accountability regulations. Anecdotal evidence indicates that colleges lobby in response to high-profile accountability measures—for-profit colleges in particular seem to respond to gainful employment regulations (Mettler, 2014). Lastly, it seems that colleges rely on direct tactics and indirect tactics, but the dearth of research means that it is unclear which set of tactics are more important to colleges.

I posited that colleges lobby like corporations not only based on hints provided in the research reviewed above, but also on three sets of theories—academic capitalism, resource dependence, and memetic isomorphism—that together imply that colleges reflect the corporate environment and retool their internal behavior to become more corporate. To address the larger possibility that colleges lobby like corporations, I posed research questions:

1. What are the characteristics of American colleges that lobby?
2. How have lobbying registration laws and the earmark ban affected college lobbying in recent years?
3. Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?
4. Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?
5. Why would an individual college lobby if others are taking action?
6. How do external pressures like media attention affect lobbying?
7. Which tactics do colleges use to lobby?

Over the course of Chapters 3 and 4, I attempted to answer these questions. I next summarize those findings.

5.1 Summary of Findings

The story of higher education lobbying is more complex than a model in which colleges are rational actors that simply spend money to make money. I started by exploring this model in Chapter 3, where I attempted to answer the first three research questions by analyzing data generated from a new database on American higher education lobbying. I put focus on two dependent variables: lobbying registrations, which measure whether a college lobbies in a given year, and lobbying expenditures, which measure how much a college lobbies. Descriptive results included an overview of the number and characteristics of colleges in the database, summary statistics on the characteristics of colleges that lobby, and the connection between Pell and federal research and development dependence and lobbying. Chapter 3 results indicate a clear connection between lobbying and federal research and development dependence, and a less clear connection between lobbying and Pell dependence. Results are summarized below.

Table 30: Summary of Findings for Research Questions 1-4

Research Questions	Findings for all colleges
1. What are the characteristics of American colleges that lobby?	<p>37% of colleges ever lobbied (Table 14). The average lobbying school spent \$123,608 a year doing so. 35% of standalone institutions lobbied; 59% of university systems lobbied (Table 13).</p> <p>Lobbying colleges were much more likely to be doctoral institutions, have a hospital, a medical program, larger enrollments and budgets than their non-lobbying counterparts. They had higher federal research and development dependence, but surprisingly, slightly lower Pell dependence (Table 14).</p> <p>On average, colleges spent an aggregate of \$82 million lobbying in a given year; this trend closely followed lobbying</p>

	<p>spending by all industries (Figure 6: College & All Industry Lobbying Expenditures, 2004-2014).</p> <p>On average, 12% of for-profits ever registered to lobby, spending a sector total average of \$4.4 million across all years (Figure 7). The average lobbying for-profit college spent \$20,485 in a given year.</p> <p>On average, 44% of public colleges ever registered to lobby, spending a total average of \$42 million across all years (Figure 8). The average lobbying public college spent \$238,713 in a given year.</p> <p>On average, 21% of private colleges ever registered to lobby, spending a total average of \$36 million across all years. The average lobbying private college spent \$160,554 (Figure 9).</p> <p>Non-lobbying institutions are more Pell dependent (7%) than lobbying institutions (5%). Pell matters most to for-profits, especially for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence (Table 14).</p> <p>Across all colleges, lobbying expenditures decrease as Pell dependence increases (Figure 10). The highest Pell-dependent institutions are standalone institutions, and mostly religious institutions (Table 16).</p> <p>Federal research and development dependence is highest at colleges that lobby, especially lobbying public university systems, which have a 12% federal research and development dependence. Other characteristics like being an AAU member, a land grant institution, and having a medical program are associated with high federal research and development dependence. There is slightly higher federal research and development dependence at lobbying private standalones and lobbying private systems than at their non-lobbying counterparts (Table 15).</p> <p>Across all colleges, lobbying expenditures increase as federal research and development dependence increases (Figure 11).</p>
2. How have lobbying registration laws and the earmark ban affected	<p>College expenditure trends slumped continuously after 2010, suggesting that like other organizations, colleges ramped down their lobbying effort after the earmark ban (Figure 6).</p>

college lobbying in recent years?	<p>Public college lobbying expenditures increased after 2007, and closely followed the availability of federal research and development funds rather than changes in lobbying or earmark laws (Figure 8).</p> <p>The connection between private college lobbying and the availability of federal research and development funds is not very clear. Further, the HLOGA and earmark ban do not seem to have affected the way private colleges register to lobby or spend on lobbying (Figure 9).</p>
3. Are for-profit colleges that are more dependent on Pell Grants more likely to lobby and spend more money doing so?	<p><i>Hypothesis I: For-Profit Colleges with Higher Pell Grant Dependence Will Lobby More.</i></p> <p>Pell's importance to for-profits depends on type of institution: Pell matters most for-profit systems that do not lobby, which have an 19% Pell dependence, and to for-profit standalones that lobby, which have a 14% Pell dependence (Table 15).</p> <p>When grouping together all types of for-profits, there were weak, statistically insignificant correlations between Pell dependency and lobbying expenditures at all types of all for-profit colleges (Figure 10).</p> <p>Among all colleges, holding all else constant, a 10% increase in Pell dependence is associated with a 0.096% decrease in the odds of registering to lobby ($p < 0.01$) (Table 20).</p> <p>Among standalone colleges, holding all else constant, lobbying expenditures increase \$16,355 if a college is a for-profit institution ($p < 0.05$) (Table 21).</p>
4. Are non-profit colleges that are more dependent on research and development more likely to lobby and spend more money doing so?	<p><i>Hypothesis II: Non-Profit Colleges with Higher Federal Research and Development Dependence Will Lobby More</i></p> <p>Federal research and development dependence is highest at colleges that lobby, especially lobbying public university systems, which have a 12% federal research and development dependence (Table 15).</p> <p>There were strong, positive correlations between federal research and development dependence and lobbying expenditures at all types of all non-profit colleges (Figure 13).</p>

	<p>Among all colleges, holding all else constant, the odds of registering to lobby increase by 85% if a college is private as compared to a public college ($p < 0.001$) (Table 20).</p> <p>Among standalone colleges, holding all else constant, the odds of registering to lobby increase by 91% if a college is private as compared to a public college ($p < 0.001$) (Table 20).</p> <p>Among standalone colleges, holding all else constant, lobbying expenditures increase \$21,067 if a college is a private institution ($p < 0.001$) (Table 21).</p> <p>However, among systems, holding all else constant, lobbying expenditures decrease \$169,002 if a college is a private institution ($p < 0.05$) (Table 21).</p>
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It is clear that the odds of registering increase and lobbying expenditures increase federal research and development dependence. This aligns with findings in the corporate lobbying literature that suggest that lobbying rises with governmental spending (Drutman, 2015; Lux, 2011). My findings align with the higher education lobbying literature in that I find that federal research and development funding predicts lobbying, as was found by Marsicano (2019). Schools with higher enrollments and budgets generally registered and spent more than those with lower enrollments and budgets--aligning with the non-profit literature finding that larger non-profits lobby more than smaller non-profits (DeVita et al, 2014). The connection between lobbying and Pell dependence is less clear, but there are initial results for future researchers to build upon. Chapter 3 also showed that enrollment predicts lobbying, and that private colleges lobby more, results went beyond my expectations of lobbying simply for Pell and research and development, and provided rationale for asking lobbying insiders why else they might lobby.

In Chapter 4 I provided an insider's look at lobbying, which began to expand our scope of understanding why and how colleges lobbying, beyond the pursuit of federal funds. I addressed the assumption lobbying is merely connected to lobbying, and explored how colleges

lobby for the “pie, then the slice”—how funding is accessed at increasingly specific stages of the policy process. That process includes not only big agency budget lobbying, but also more campus-specific asks like as earmarks, lettermarks, capital, and programmatic funding. Collective action dilemmas like free riding may be inherent in this process. I argued that college officials view public funding from a portfolio perspective, as do government policymakers who set budgets with a finite amount of money, and adjust spending in different categories to maintain budgetary equilibrium.

In Chapter 4, I leveraged qualitative methods to focus on the process of lobbying, in addition to its product. Interviews revealed the intricate stages of the policy process in which lobbyists do their work, the tactics they rely on, and the topics about which they lobby. The news analysis provided a national, longitudinal view about college lobbying topics and tactics. This qualitative exploration helped address the remaining research questions of this study, and the questions arising from the quantitative exploration.

I argued that public funding to colleges should be understood as an interdependent portfolio that is pursued at increasingly specific stages of the budget process. A campus-based lobbyist must consider all revenue streams and will lobby in large groups for first “bucket” public goods that do not necessarily hit campus coffers. But as funding gets more specific, competition rises: interviews showed clear examples of intra-group competition, leading to more lobbying, and even among “sister” institutions within a system.

Associations provide lobbying infrastructure, are an important lobbying tactic, and contribute to free riding. I find that free riding occurs as entrepreneurial institutions drive coalitional agendas, allowing others to follow. Free riding does not continue forever, however. Interviews made clear that there is in-group pressure to be “in the same boat.” Such solidarity

motives mean that even if a school does not differentially receive funding at the campus level, it will lobby for earlier funding buckets like research and development and Pell. I also find that college lobbyists nudge each other in sometimes positive ways to build coalitions and join sign-on letters.

Higher education lobbyists also push back against measures that might make boost costs and burdens. High profile topics not captured by Chapter 3's quantitative analysis include sexual assault accountability measures directed at colleges in New York by a strong governor. Federal legislators made news by targeting colleges regarding endowments, gainful employment, and the cost of college, all of which demanded a college lobbying response, and contribute to day-to-day lobbying expenses. But how did colleges respond? Did they lobby like corporations?

There answer is not a clear "yes." Although news reports and interviews show a predilection towards corporate style direct lobbying tactics, interviews with college lobbyists and legislators and staff strongly suggest that colleges lobby differently, due to their tax-exempt status, their unique role in society as education providers, and their longstanding support to local communities.

A summary of Chapter 4 findings, which address Research Questions 5 through 8, is in the next table.

Table 31: Summary of Findings for Research Questions 5-8

Research Questions	Findings
5. Why would colleges lobby for something that they seem to get from government in a pro forma way?	<p>A college will spend its lobbying dollars and political capital advocating for <i>interdependent</i> resources from finite federal, state, and local budgets.</p> <p>The federal and state budget process means that funding buckets get more and more specific over time. This prompts colleges to take action in increasingly specific coalitions.</p> <p>Interviews show that lobbying infrastructure (on-campus lobbyists and associations) incentivize colleges to lobby for interdependent resources along the federal and state budget process, at least until a funding stream is no longer relevant to an individual campus</p>
6. Why would an individual college lobby if others are taking action?	<p><i>Hypothesis III: All sector spending and registration is positively correlated with media coverage of accountability regulations</i></p> <p>Enterprising colleges drive coalitional agendas, allowing others to follow. I also find that there is in-group pressure to speak with one voice, which builds the heat and energy of a coalition. This implies that colleges will lobby for public goods, even if they do not differentially receive them at the campus level. Lastly, I observe that although battles may be picked and chosen, coalitional infrastructure provides the pathway for groups to coalesce.</p>
7. How do external pressures like media attention affect lobbying?	<p><i>Hypothesis IV: Public, private, and for profits employ similar lobbying tactics, with for-profits relying more on direct tactics</i></p> <p>News analysis showed that accountability the third-most frequently-mentioned lobbying rationale (Table 26). Interviewees stressed the importance of high profile accountability regulations as a motive to lobby.</p>
8. Which tactics do colleges use to lobby?	<p>In interviews, the almost even split between direct and indirect tactics suggests that colleges rely on multiple methods of lobbying (Table 27). In the news, colleges relied on direct tactics 121 out of 216 instances, or 68% of the time; the for-profit sector used direct tactics five out of nine times (Table 28).</p>

I think that taken as a whole, these results suggest that the answer to the question of “do colleges lobby like corporations” is somewhere between Possibility 2 and Possibility 3: colleges in some ways lobby in their own distinct way, but lobby like corporations in other ways.

5.2 Implications For Scholars Who Study Institutions of Higher Education

5.2.1 An Updated Literature

My findings expand upon the literature on college lobbying by addressing a relatively long time frame, by including of all three sectors, drawing upon a large sampling of institutions, leveraging mixed methods, and discussing topics besides funding. This study leaves no doubt that colleges do in fact lobby, and gives scholars a better sense of why.

We now know basic characteristics of lobbying colleges, and have evidence that their lobbying increases with federal research and development dependence. This finding supports Pfeffer and Salancik’s (2003) theory of resource dependence. We now know much more about non-profit college lobbying. We know that much more than five percent of non-profit colleges lobby as observed by Cook (1998), and we can differentiate from schools that lobby none and all of the time. We now know that lobbying is not limited to the top-tier non-profit institutions lobbying for earmarks and federal research and development funding as found by de Figueiredo and Silverman in 2006. Rather, I find that lobbying expenditures increase with federal research and development dependence, being a doctoral institution, being an AAU member, having a medical program, enrollment, and budget across non-profit colleges in the database. My study comports with Marsicano’s contemporary (2019), finding that private college lobbying is not that different from public college lobbying.

Furthermore, my exploration of topics towards which colleges responsively lobby lays a foundation for future research by scholars of higher education. I detail several high profile topics that real lobbyists say they respond to. Colleges are sensitive to public relations, and their response takes time and money; in that way, colleges have enhanced their managerial function to avoid threats, like corporations, as theorized by Slaughter & Rhoades (2004) and aligning with the theory of memetic isomorphism (DiMaggio & Powell, 1983; Meyer & Rowan, 1977).

I offer a detailed exploration of coalitional dynamics, in and around higher education associations. Cook's (1998) foundational study mostly focused on how associations advocated; my study adds an inside look at associations from the college lobbyist point of view, finding that associations are an important lobbying tactic, provide an infrastructure to lobby, and might encourage free riding. Within the association, colleges help set agendas, use sign-ons to nudge one another, and coalesce to speak with one voice. It is possible that some of these complexities inherent to higher education lobbying may be inherent to corporate lobbying.

Lastly, this may be the first study to compare higher education lobbying to non-higher education lobbying. Studies on non-profit lobbying intentionally exclude higher education (see Berry, 2003, Boris and Maronick, 2012; DeVita et. al., 2014). The present study compares higher education to other non-profits and updates that literature. I argue that non-profit colleges lobby to have a seat at the table, and do so to secure resources and parlay threats. By directly comparing higher education lobbying to that by other organizations including corporations, I was able to draw conclusions about the importance of lobbying laws like the HLOGA and the earmark ban, finding that those policy changes did not seem to affect for-profit or private non-profit college lobbying.

5.2.2 The Importance of Interdependence

This study's emphasis on interdependence offers another set of implications for scholars who study institutions of higher education. This study revealed how funding is interdependent from a college's perspective. As indicated in interviews and my own experience, a college lobbies for large pots of federal funds and will not miss the opportunity to advocate for any and all pots that feed into a college's budgetary portfolio. Also, colleges rely on state and federal funds, which fluctuate from year to year, and in fact swapped in relative importance in 2010, when federal revenues outpaced state revenues. Again, a college lobbyist will not solely focus on one source of funds, and would be remiss to only lobby for an increasing federal source as state sources diminish.

Federal-state issue transference is another type of interdependence. That is, in multiple interviews, lobbyists and legislators noted how state and local governments would adopt a federal accountability measure (e.g. New York state level sexual assault guidelines)—or issue regulations to reverse federal policies (e.g., New York's for-profit accountability proposal).

The final type of interdependence concerns coalitions. Colleges look to each other and check in with one another to make decisions and form coalitions. Solidary and purposeful ties are important type of interdependence—the story of higher education lobbying is bigger than competition between campuses.

5.2.3 A Frayed Relationship

This study also makes a contribution in recognizing the frayed relationship between government and higher education. Higher education is no longer a “parastate” situated “between citizens and the state” as described by Loss (2012); there must be a new way to describe this

“post-parastate” era. I offer the metaphor of a frayed rope. This study began with a discussion of racism’s historic role in government and higher education’s pulling apart. I think that although important—and less visible—monetary strands connect government to higher education as described by Brint (2019), racism, populism, and xenophobia continue to fray more visible strands connecting the institutions of elected government and higher education.

The frayed relationship continues today, due to a cycle explorable with future research: state government funding to institutions of higher education shrinks, colleges enroll more international students to balance their budgets, and the Trump administration issues populist and xenophobic policies, against which colleges lobby. As mentioned in the introduction, in July of 2020, the administration demanded that international university students leave the country unless they enroll in in-person classes, as colleges shifted online due to the COVID-19 pandemic—an intentional dilemma to stoke populist resentments against immigrants and colleges. Mr. Trump, who had an election four months from that measure, has a base that is low in immigrants and low in college degrees: non-college graduates constitute 63% of the electorate; 50% in 2016 voted for Trump, 43% for Clinton; among whites without a college degree, 64% voted for Trump and 28% voted for Clinton (Pew, 2018).

Whatever dissolution between higher education and government may have occurred in decades prior, the Trump administration’s racist and xenophobic actions since 2017 have fractured American society, and the administration’s higher education policies act as a match underneath the frayed rope. Although the administration certainly does not speak for all of government—the legislatures, the state governments, the town councils across the 50 states—colleges have been playing a much more pronounced form of defense since January of 2017 than any year in this study, and today have been rudely awakened into action more than any example

given in this study. I think that the current state of higher education-government relations would not have been possible but for the already strained relationship described in Chapters 2 and 4. This study provides a “mile marker” for those who want to measure the thinning ties between government and higher education.

5.3 Crossover Lessons for Political Science

5.3.1 Resource Dependence

This study has crossover implications for political science. My findings align with the theory of resource dependence (Pfeffer and Salancik, 2003): colleges lobby for the resources on which they depend. My findings align with the corporate lobbying literature finding that lobbying expenditures rise with more governmental spending (Drutman, 2015; Lux, 2011). My findings on how colleges lobby for funding buckets of decreasing size aligns with regulatory lobbying case studies; Godwin et. al. (2013) found that “Private goods become increasing important as a proposed alternative moves through the policy process.”

Further, I think this study has implications for the less-discussed notion of resource *interdependence*. As mentioned in the previous section, colleges, and surely many other entities, depend on federal, state, and other sources of revenue. When one goes down, a college must find a way to plug the hole. Perhaps future research can take a snapshot of the funding elements that comprise a college’s budget, and see how those sources fluctuate over time; perhaps a study can compare how higher education and corporate entities lobby for the same source of external funds. Perhaps corporations also view resources from a portfolio perspective.

5.3.2 Non-Profit Lobbying

This study aligns with non-profit lobbying literature and fills some of its gaps. I find that like other non-profits, higher education non-profits that receive governmental funding lobby more than those that do not, aligning with the non-profit lobbying literature (see Berry, 2003; Chaves et al, 2004; Leroux and Goerdel, 2009; Salamon et al, 2008). Notably, however, much of the non-profit literature intentionally excludes higher education (Berry, 2003, Boris and Maronick, 2012; DeVita et. al., 2014). My findings show an increase in lobbying expenditures as enrollment and budget increase and therefore align with the non-profit literature finding that larger non-profits lobby more than smaller non-profits (DeVita et al, 2014). The present study plugs higher education into the non-profit lobbying literature and dispels the notion that all non-profits have their silence paid for.

5.3.3 Shadow Lobbying

La Pira (2015) makes a convincing case that American organizations systematically underreported their lobbying after HLOGA; although I found that HLOGA corresponded with a lower rate of public college lobbying registrations, this was not the case for private and for-profit colleges. This does not mean that shadow lobbying does not happen, but it may indicate that colleges lobby differently than other organizations. It also shows the importance of differentiating sectors of colleges when studying lobbying.

5.3.4 Collective Action

This study has implications for those studying collection action dilemmas as posed by Olson (1965). In examining higher education coalition-building, I find that certain enterprising members can drive coalitional agendas, as can sub-groups that drive agendas from the bottom up.

I also note that free riding is discouraged as members nudge each other into action and/or might join a coalition due to solidary purposes; these observations do not necessarily unravel or negate Olson's free-riding notion that a member will not join a group because the cost of doing so is not worth the benefit, but do help us understand the process of how a coalition works in real life.

Another implication for political science is this study's focus on the process of lobbying—not just the product. Leech (2010) notes that interest group scholars would be well served to examine multiple stages of the policy process, and not just canonical outcomes like roll call votes. As a lobbyist, I could not agree more. My findings that colleges lobby in increasingly small coalitions along the policy process could be informative for interest group scholars studying other organizations, especially corporations.

Drutman (2015) found a shift from associational to organizational level lobbying; my findings on the prevalence of campus-level lobbying, and that colleges nested within a system lobby more, seem to align with this. Drutman also noted that lobbying begets more lobbying; my interviews strongly suggested this pattern, as sister institutions within a system hired more lobbyists to compete over finite state resources.

5.4 Future Research Possibilities: Stronger Data and Designs

This study is limited in many ways. It does not capture myriad elements of what goes into the lobbying process. It is relatively narrow in scope of topics and size of samples. In this final section, I recommend two main ways to address these limitations and then chart future research possibilities that leverage stronger data and designs.

5.4.1 Larger Samples to Expand Breadth and Depth

This study intentionally focuses on colleges and universities as institutions, primarily to build upon existing research. A limitation is that this study only covers B.A.-granting institutions. Adding community college and for-profit two-year programs, which often compete for students, would contribute to a more complete picture of the higher education lobbying landscape.

This study's quantitative data only looks at lobbying and funding at the federal level. A state-by-state analysis would yield an important level of analysis.

The study includes 20 interviewees; it is likely that more interviews would offer a wider range of perspectives and possibly allow for statistical analyses. The study's qualitative component is limited to New York; conducting interviews of lobbyists and legislators from other states could provide a broader scope and a fuller set of tactics and topics. Including interviews from associations might help unravel some of the free-riding dynamics inherent in coalitions. I sampled 200 news articles, but more could be gathered with additional, related search terms regarding higher education lobbying. The study covers 11 years; it should be possible to get consistent federal data for more years, beyond 2014, bringing the study up to date.

5.4.2 Adding Different Variables to Capture Different Elements of the Lobbying Process

The quantitative component of this study focuses on two dependent variables and two independent variables of interest. What if lobbying registrations and expenditures are not the only ways to represent college lobbying? And what if there are different "inputs" that drive lobbying, like campaign contributions by board members, having an influential member of

Congress as a representative, or trading faculty subject matter expertise? And could there be different “outputs”? That is, maybe things like Pell dependence and federal research and development dependence are only part of the story, and colleges lobby for outputs like state appropriations, regulatory changes, lettermarks, or public statements of support. There also may be mediating or moderating variables that would explain how variables like being land grant, HBCU, or a private college are linked together. Next, I fold these and other new variables into research designs that are largely based on conversations I have had with scholars of higher education and politics in my eight years of doctoral study.

5.5 Charting New Avenues for Research

Future research would build from this dissertation and improve upon its shortcomings. I outline several studies with different foci and new research questions.

5.5.1 Local Focus

In a locally-focused study, a research question could be: *Do public and private non-profit colleges in New York with higher state appropriations lobby more?* This would be a New York state version of Chapter 3 of this dissertation. This study would ask which factors predict lobbying by New York’s non-profit colleges and universities. The dependent variable would be lobbying expenditures as reported to New York’s lobbying database. The independent variable of interest would be state appropriations (formula funding to SUNY and CUNY schools, and Bundy Aid to private colleges); other controlling variables would include: whether or not a college hires an in-house lobbyist, a contract lobbyist, or lobbies through an association; college characteristics in this dissertation like budget and enrollment.

5.5.2 Lettermarks

In this study, the research question would be: *Do colleges lobby for lettermarks after the 2011 non-profit earmark ban?* Emerging evidence suggests a shift from lobbying for earmarks to lobbying agencies. I find initial evidence suggesting that the non-profit earmark ban corresponded with a drop in public college lobbying expenditures. But Marsicano (2019) finds no evidence that lobbying expenditures decreased after the earmark ban among AAU members 2007-2014 and suspects that colleges lobby through the process of “lettermarking,” in “which legislators send letters to federal agencies to which they have appropriated funds in an attempt to send agency funding to projects in their districts,” (Marsicano, 2019). Indeed, You (2017) finds that 40% of congressional lobbying activity took place after a bill was signed into law. Ritchie (2020) “found an uptick in grant request-related contacts from members of Congress to agencies following the earmark ban” not including the U.S. Department of Education.³⁶ I think that college lettermark lobbying is a research topic ripe for exploration. As a lobbyist, I have successfully requested that our elected representatives nudge agencies, and when earmarks were banned in 2011, without missing a beat, the president of my colleges said “go to the agencies,” and we did.

This study would build from the work of Ritchie and You (2019) who found that legislator lettermarks on behalf of constituents from 2005-2012 resulted in positive outcomes from the Department of Labor. Here, legislator support of local constituents was key, even if legislators were not on powerful committees. I find that university’s local connection is key, revealed in interviews at the end of Chapter 4. In this possible study, the dependent variable would be higher education lobbying expenditures; another dependent variable could be whether

³⁶ Thank you to Molly Ritchie and Hye You for exploring this idea with me.

lobbying reports mentions agency lobbying (pre- or post-legislation implementation). The independent variable of interest would be whether or not a college received a lettermark; controls would include federal research and development dollars, member of Congress leadership rank, and other college characteristics in this dissertation.

5.5.3 Influence of Higher Education Affiliates

In this study, the research question would be: *How does the presence of higher education affiliates in a state influence state student aid appropriations?* As noted in Chapter 2, outside organizations advocated for federal student aid: the United Negro College Fund lobbied for Pell increases for the benefit of students at Historically Black College or Universities (HBCUs) (Loss, 2012) and the Iraq and Afghanistan Veterans of America helped pass G.I. bill benefits (Mettler, 2014). In my news analysis, I find that affiliated organizations like state council on postsecondary education lobbied state governments for higher education budgetary support. This echoes Dougherty et. al.'s (2016) finding that state higher education coordination boards drove the adoption of performance funding in six states, helping secure state funds for higher education.

The dependent variable would be higher education lobbying expenditures. The independent variable of interest would be state student aid appropriations. Additional controls would include the presence of affiliates like a state higher education coordinating board, a state-wide veterans advocacy group, or a statewide higher education association.

5.5.4 Media and Lobbying

In one study, the research question would be: *Does higher education lobbying increase with more high-profile accountability regulations?* A systematic study could build upon my

initial evidence that higher education lobbies in response to high profile measures regarding sexual assault, college endowments, gainful employment, and the cost of college. For example, a dependent variable could be whether or not a college filed a quarterly lobbying report mentioning a high-profile accountability regulation. This could include any of the immigration proposals put forth by the Trump administration from 2017 onward. Independent variables would include news mentions of the regulation, sector of college, association memberships, and other characteristics in my dissertation.

Another research question would be: *Do colleges lobby for statements of public support?* This study draws from an experimental study I am working on³⁷. As a lobbyist, I value feedback from elected officials, especially public statements of support. Such statements include press releases, floor statements, non-binding resolutions, or social media posts (Showalter and Rhoades, 2016). These statements build momentum for an issue and decrease the likelihood that legislators will renege. Public statements of support are an interim outcome—a “mini win”—and part of the lobbying process. Further study of public statements in the media might also be valuable for the study of corporate lobbying.

Social media postings are a new and important type of public statement of support. Recently, social media has become a vital tool for political communication and political advocacy: in the 112th and 113th Congresses, constituents sent approximately 76,000 tweets to Members of Congress; the plurality was requests to support or oppose legislation (Hemphill and Roback, 2014). Twitter is also used by industries to contact government agencies, and by politicians to broadcast, interact with constituents, mobilize activists, or bypass traditional media (Parmelee and Bichard 2012). Twitter has become a potent tool in the hands of political

³⁷ Thank you to Michael Schwam-Baird and Adam Zelizer for collaborating on this idea.

candidates, with former President Trump use of it as a bully pulpit (Parlapiano and Buchanan 2017). Social media, and Twitter in particular, is also an important place for experimental political research; however, experimental studies of Twitter thus far have focused mostly on its use in the mass public, rather than among politicians or other political elites (Coppock, Guess, and Ternovski 2016; Munger 2016).

Interest groups also gain traction by “subsidizing” the work of legislators. Hall and Deardorff (2006) argue a legislative subsidy is a “matching grant of policy information, political intelligence, and legislative labor to the enterprises of strategically selected legislators.” Interest group provision of such information is a day-to-day task funded by lobbying expenditures, and is likely an important tool to achieve a public statement of support. For example, subsidizing information can lead to an interest group being called to testify, having research cited, a sign-on letter, or another statement of public support.

In this study, the dependent variable would be whether or not a local legislator expressed a statement of support, e.g., a tweet, retweet, or “like” on Twitter in support of a statewide higher education advocacy campaign, e.g., around Bundy Aid in New York during budget season. Independent variables would include quarterly lobbying expenditures by colleges (lobbying); whether or not a college provided subsidizing information (e.g., a fact sheet about the importance and uses of Bundy Aid); and college characteristics in this dissertation. I would expect that colleges that provide a fact sheet receive more social media statements of support.

5.5.5 Comparison to Corporate Lobbying

It is possible that many of the complexities in higher education lobbying also are found in corporate lobbying. In one study, the research question would be: *How do colleges lobby vis a vis corporations?* This study would directly compare corporate lobbying to higher education

lobbying. Drawing on my database plus Center for Responsive Politics data, I would compare how colleges and corporations lobby for the same pots of money--for example for NIH, Homeland Security, Small Business Services, or Department of Defense funding. The dependent variable would be funding from an agency. Independent variables would be lobbying expenditures by organizations, and whether or not a registered lobbyist was 1) college-only 2) contract lobbyist with college and corporate clients 3) corporate-only. Other independent variables would include corporate campaign contributions, and the college characteristic variables in this dissertation. I would expect that all else equal, corporations are more effective at securing public funds, and that colleges with lobbyists who also represent corporate clients to get more federal funding.

Another study would ask: *How does higher education leadership's connections to corporate America influence lobbying?*³⁸ As mentioned in Chapter 4, I noticed instances of higher education lobbyists coming directly from private industry. College presidents also sometimes come from industry, likely bringing corporate operating principles, funding streams, and staff, perhaps contributing to the corporatization of higher education. To know more, a study could map out university president backgrounds to observe those individuals' recent employers. This study would draw upon the "revolving door" methodology of LaPira and Thomas (2014) who mapped out employment histories of lobbyists who came from Capitol Hill. An independent variable could be whether or not a college president came from the corporate sector (as opposed to academia or the public sector). This can be found by examining a sample (e.g. 10 percent) of college presidents in this database. Additional independent variables would be those in this dissertation. Dependent variable would be lobbying expenditures. I would expect colleges with

³⁸ Thanks to Heath Brown for this study idea.

presidents from corporate backgrounds to lobby more given those president's likely familiarity with the importance of lobbying.

5.5.6 Students and Lobbying

Students are at the heart of higher education. Their presence, activism, and changing demographics tie to how higher education intersects with governmental policies. I end this dissertation where I started it: acknowledging the role of students. I offer two ideas for future research regarding students. The first research question would be: *Do colleges with high proportions of minority students lobby more?*³⁹ Although the IPEDs dataset and my database do not code minority-serving institutions (MSIs), such schools get funding from discrete federal programs, and expend resources to lobby; knowing more about MSIs would give scholars a more complete picture of the higher education lobbying landscape, and our understanding of how race factors into the balance of power in higher education lobbying. To compare MSI lobbying to that of other universities, the dependent variable in this study would be lobbying expenditures as a percentage of budget. I would create a dummy independent variable indicating whether or not a college is an MSI. I would use existing independent variables of this dissertation as controls to get a sense of how MSI lobbying relates to the Pell and research and development dependence.

A final research question would be: *Do colleges with more international students lobby more?*⁴⁰ This question would get at the cycle I mentioned in Chapter 1: as U.S. state governments lower their higher education funding, colleges boost their international student enrollment; as international students face threats by the Trump administration, colleges with high

³⁹ Thank you to Denisa Gandara for exploring this idea with me.

⁴⁰ Thank you to Oren Pizmony-Levy and Ryan Allen for exploring this idea with me.

international student enrollments lobby in response⁴¹. The dependent variable in this study would be lobbying expenditures. Independent variables would be international student enrollment; annual state higher education funding; the interaction of international student enrollment and state higher education funding; the proportion of Congressional district-level voters that voted for Donald Trump in 2016; whether or not a district has a college; proportion of non-white voters in the district; and whether or not a college is a member of the Association of International Educators (NAFSA), which advocates for international students. I would expect that colleges with lower state appropriations lobby less, but lobby more as they enroll more international students.

5.6 Conclusion

This study makes contributions to the growing higher education lobbying literature and opens up new lines of inquiry. My descriptive and multivariate quantitative analyses show that colleges have not only robustly entered the world of lobbying, but often do so in the corporate image. My quantitative results show that college lobbying rises with federal research and development dependence and less so with Pell grant dependence. However, the story of higher education lobbying is more complex than a corporate model in which lobbying effort is primarily focused on fundraising. Colleges with higher enrollments lobby more, and private colleges—which actually have lower federal research and development dependence than public colleges—often lobby more than their public counterparts. My qualitative findings in Chapter 4 provided further nuance. Colleges lobbied for interdependent portfolio of federal and state funds and response to measures outside the predictable budgetary process, such as high profile topics like

⁴¹ E.g., Prof. Hannah Wohl (2020) found that universities with the highest percentage of international students were the first to file lawsuits against the ICE ruling that would have banned international students unless they enrolled in in-person classes.

sexual assault accountability measures, endowments, gainful employment, and the cost of college, all of which demanded a college lobbying response, and contribute to day-to-day lobbying expenditures. Lobbying often happened in coalitions, sometimes even when public goods were distributed on a formula basis. Coalitional lobbying, even with some free riding, was motivated by a desire to band together, underscoring the undercurrent of interdependence in higher education lobbying.

Together, these findings suggest that colleges lobby like corporations in important ways, but reserve some distinctive methods, strategies, and characteristics that make their lobbying distinctive. The study has implications for scholars who study higher education and political science—it fills important gaps and explores new territory. Coming full circle, it seems possible that some of the lessons learned about higher education lobbying can be used to further probe corporate lobbying, and tell a more complex story. Although the study has limitations in terms of size, scope, and time frame, I build from this study's findings and limitations to propose new courses of study to know more about how and why colleges lobby, which could help bring the literature up to 2020 and beyond.

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Appendix A

Table A1 Breakdown of Institutions in 2004 (highlighted sectors are excluded in the American Higher Education Lobbying Database)

Value Label	Code Value	Frequency	Percentage
Administrative unit	0	83	1.20%
Public, 4-year or above	1	662	9.57%
Private not-for-profit, 4-year or above	2	1,672	24.18%
Private for-profit, 4-year or above	3	383	5.54%
Public, 2-year	4	1,172	16.95%
Private not-for-profit, 2-year	5	244	3.53%
Private for-profit, 2-year	6	828	11.97%
Public, less-than 2-year	7	282	4.08%
Private not-for-profit, less-than 2-year	8	137	1.98%
Private for-profit, less-than 2-year	9	1,448	20.94%
Sector unknown (not active)	99	5	0.07%
Totals		6,916	100.00%

Source: IPEDS Institutional Characteristics Survey, 2004.

Characteristic changers

A small number of colleges had characteristics that changed during their database lifespan.

Table A2: Number and percentage of database colleges that change characteristics

Characteristic	Freq.	Percent
Sector	33	1.25%
Doctoral	0	0.00%
HBCU	1	0.04%
Hospital	61	2.32%
Medical	27	1.03%
AAU	6	0.19%

Source: American Higher Education Lobbying Database

If a college *ever* had a hospital, in the aggregated database it was marked as a “1” (yes) for hospital.

Table A3: Example of a characteristic changer

Year	College ID	College Name	Doctoral	Hospital	Medical
2004	161457	University of New England	0	0	1
2005	161457	University of New England	0	0	1
2006	161457	University of New England	0	0	1
2007	161457	University of New England	0	0	1
2008	161457	University of New England	0	0	1
2009	161457	University of New England	0	1	1
2010	161457	University of New England	0	1	1
2011	161457	University of New England	0	1	1
2012	161457	University of New England	0	1	1
2013	161457	University of New England	0	1	1
2014	161457	University of New England	0	1	1

Source: American Higher Education Lobbying Database

Of the 33 Sector changers, 17 colleges went from for-profit to private; 12 of those took place in 2013. The plurality were 7 College America campuses. An internet search confirmed that College America in 2012 filed with the IRS to change its status. Another 15 sector changers went from private to for-profit; though they were a variety of colleges, 5 (the plurality) took place in 2010, a year before for-profits peaked in their enrollment relative to other sectors. They were from a variety of (formerly) for-profits like the Waldorf College, Bob Jones University, and Cogswell College. Lastly, one college went from public to private. I do not think that these coding changes were erroneous.

Of the 61 hospital changers, 26 looked like straightforward instances of colleges adding hospitals: a college would report no hospital for the first several years, then consistently report one thereafter. In 25 instances, however, there seemed to be a consistent pattern of reporting a hospital in 2004 but in none of the other years. I went back to the IPEDS code book and noticed that in 2004, the IPEDS survey asked colleges simply to report whether or not they had a hospital. In 2005 and beyond, however, the hospital variable was derived indirectly, using

finance data. The 2005 codebooks says “an institution was determined to have a hospital” if the “institution reported either revenues from Sales and services of hospitals. . . hospital revenues. . .or expenses for hospital services. . .” This seems to clarify the discrepancy for those 27 instances. To be consistent, I recode these 26 instances in 2004 from reporting a hospital to not reporting a hospital.

Of the 27 medical changers, the database shows that 22 institutions added (created) medical programs. In these instances, a school would report no medical program for the first several years, then consistently report one thereafter. About two-thirds were public, and they seemed to be almost evenly distributed across years. Together, these findings do not make me think that medical school reporting status was erroneous, so I leave this variable as is.

Across all types of characteristics that changed (sector, doctoral, HBCU, hospital, medical, and AAU), I found 17 observations that looked like erroneous reporting. These 17 observations (not institutions) represent an institutional record in a given year (e.g. University of North Carolina School of the Arts, which in 2012 reported a hospital but did not in any other year). 15 of the errors were of hospital status; 5 were in 2004 and the remainder were about evenly spread out over the other years. Because of the questionable nature, rather than dropping the observation I set it as null (value =99)

Colleges that appear and disappear

Prior to aggregating the database, I noticed that some colleges appear and disappear within the 11-year database time frame. Within the 1-10 year lifespan, I find that some colleges suddenly appeared (were “born”) and continued to exist; some disappeared (“died”) and never reappeared, and some appeared and re-appeared (were “helter-skelter”). The table below shows characteristics of these three types of colleges,

along with those with an 11-year lifespan.

Table A4: Mean college characteristics by database appearance 2004-2014

	1-10 Year Lifespan			11 Year Lifespan
	Born	Died	Helter-Skelter	
N	413	330	84	1675
Public	4%	7%	7%	32%
Private	22%	47%	61%	58%
For-Profit	74%	46%	31%	10%
Land grant	1%	0%	2%	5%
HBCU	0%	1%	2%	5%
Doctoral	0%	2%	2%	15%
AAU	0%	0%	1%	3%
Hospital	0%	5%	2%	3%
Medical	0%	7%	1%	7%
Campus in system	65%	46%	42%	34%
Enrollment (mean)	1,150	1,120	1,409	4,360
Budget (mean in \$ millions)	\$22	\$54	\$56	\$231
Pell dependence	19%	10%	8%	6%
R&D dependence	0%	1%	1%	3%
Registered to lobby	45%	36%	23%	39%
Lobbying expenditures (mean)	\$11,066	\$9,840	\$15,153	\$46,423

Source: American Higher Education Lobbying Database

The second row of this table is interpreted as “of colleges that were born, 4% were public; of colleges that died, 7% were public.” Overall, colleges that were born stand out as an interesting group. Seventy-five percent of the 413 borns were for-profit; borns had lower budgets (\$22 million mean), more Pell dependence (19%) and register to lobby more frequently (45%). An example of a median college, based on enrollment, that was born during this time frame is CollegeAmerica-Flagstaff, which was “born” in 2009 as a for-profit became a private non-profit in 2013. CollegeAmerica is owned by the company the Center for Excellence in Higher

Education, which the U.S. Department of Education in 2016 moved to reclassify as a for-profit due to its high receipt of Title IV dollars, which include Pell grants (Kreighbaum, 2016).

In contrast, the dieds look different. They were more likely to be private, less likely to be for-profit, and had larger budgets. 47% of the 330 dieds were private, 46% for-profit, 7% public, 1,120 mean enrollment, \$54 million budget. An example college that “died” during this time frame is Sheldon Jackson College, a tiny college in Alaska (enrollment: 127) founded in 1878, known for educating Alaska Natives, but closed in 2007⁴².

Helter-skelter schools were also more likely to be private or for-profit as compared to the 11-year lifespan college: 31% were for-profit, 61% private, 7% public, and in most other ways were roughly similar to schools that died. Helter-skelter schools tended to be smaller, specialized colleges of optometry or chiropractic, branches of the Christian Concordia University system, or branches the for-profit ITT system, the latter of which opened and closed campuses due to its many legal challenges in this era (ITT ultimately shut down in 2016). Helter-skelter schools thus do not appear to be erroneously reported.

Table A5: Detail on rationale codes

	Lobbying rationale	Detail
Budget related	Student aid	Student aid includes references to lobbying for student financial aid programs like TAP
	Tax code	Tax code includes endowment tax proposals and charitable giving regulations
	Research	Research includes lobbying to boost budgets of federal agencies that sponsor research
	Capital	Capital includes lobbying to boost and continue funding for state programs that benefit public and private colleges.
	Budget	Budget includes lobbying for a more favorable city/state match.

⁴² <https://www.nps.gov/places/sheldon-jackson-school.htm>

Non-budget	Program approval	Program approval includes lobbying state agencies to approve new and existing higher education degree programs.
	Sexual assault	Sexual assault includes lobbying executive and legislative branches to ease reporting and other requirements for institutions of higher education.
	Gainful employment	Gainful employment includes college lobbying executive and legislative branches to ease debt-to-earnings ratio requirements for college graduates.
	Entrepreneurship	Entrepreneurship includes lobbying for funding for a college to become an business incubator or a regional hub for entrepreneurship.

Appendix B

E-mail template to potential interviewees

Dear _____,

I'm a PhD student at Columbia University studying politics & education and would like to interview Assembly Member ____, who has extensive experience in higher education and government.

I'm writing a dissertation on how and why colleges lobby. Central to research will be a case study on New York colleges, so I'm interviewing college officials and the legislators they lobby. Assemblymember _____ seems like an ideal person to interview for this research.

Does ____ have about 45 minutes in the coming weeks? I can meet _____ in _____ NYC office or travel to Albany, depending on availability.

Interviewees will be anonymous in my study. Thanks for your consideration.

Best,

Matt

Interview Protocol 1: for college lobbyists

I. Introduction and Background

- Introduction to the study; review and secure consent.
- Interviewee background: What does your job entail? How many years have you been here?

II. Questions regarding how colleges lobby

- What lobbying tactics do you find helpful on a day-to-day basis?
- Do you use different tactics at the legislative versus regulatory level?
- At the state versus federal level?
- Have lobbying laws affected the way you lobby?

III. Questions regarding why colleges lobby

- Why does your school lobby?
- What are the topics your college cares about/lobbies about?
 - Probe: Are there governmental opportunities you seek via lobbying?
 - Probe: Do you have examples of things you might lobby against?
 - Probe: What is the distribution of federal and state effort?
- Is your school influenced by other schools' choice to lobby?

- Are there tactics that you see other industries doing that colleges emulate or avoid?
- Are there instances where you didn't want to, or find the need to lobby?

Interview Protocol 2: for state legislators & staff

I. Introduction and Background

- Introduction to the study; review and secure consent.
- Interviewee background: What does your job entail? How many years have you been here?

II. Questions regarding lobbying in general

- What lobbying tactics do you see on a day-to-day basis?
- What lobbying tactics are especially helpful in getting your attention?

III. Questions regarding how and why colleges lobby

- Shifting gears to colleges, on which topics do colleges lobby?
- Are there ways in which colleges lobby differently from other industries?
- Which colleges lobby the most?
- Which colleges do not lobby? Why not?
- If there was one suggestion you had for college lobbyists, what would it be?

Interview Consent Form

Protocol Title: FROM HALLOWED HALLS TO CAPITOL HILLS: A PORTRAIT OF HIGHER EDUCATION LOBBYING IN THE 21ST CENTURY

Principal Investigator: Matthew Camp, Teachers College
212-678-3427, camp@tc.edu

INTRODUCTION

You are being invited to participate in this research study called "From Hallowed Halls to Capitol Hills: A Portrait of Higher Education Lobbying in the 21st Century." You may qualify to take part in this research study because you are a lobbyist for a New York College/a New York state legislator/staff. Approximately 20 people will participate in this study and it will take 1 hour of your time to complete.

WHY IS THIS STUDY BEING DONE?

This study is being done to determine how and why New York colleges lobby state government.

WHAT WILL I BE ASKED TO DO IF I AGREE TO TAKE PART IN THIS STUDY?

If you decide to participate, you will be interviewed by the principal investigator. During the interview you will be asked to discuss your government relations/government experience. This interview will be audio-recorded. After the audio-recording is written down (transcribed) the audio-recording will be deleted. The recording may be transcribed by a professional transcriptionist, who will be required to agree to a non-disclosure agreement. If you do not wish to be audio-recorded, you will be able to participate. The interview will take approximately 1 hour. You will be given a de-identified code in order to keep your identity confidential.

WHAT POSSIBLE RISKS OR DISCOMFORTS CAN I EXPECT FROM TAKING PART IN THIS STUDY?

This is a minimal risk study, which means the harms or discomforts that you may experience are not greater than you would ordinarily encounter in daily life while discussing your work. and the possibility that – despite the researcher’s best efforts to maintain confidentiality – someone reviewing research findings might somehow ascertain your identity.

The principal investigator is taking precautions to keep your information confidential and prevent anyone from discovering or guessing your identity, using a de-identified numerical code instead of your name and keeping all information on a password protected computer.

You are not required to participate in this study, and you may choose to withdraw your consent to participate at any point during the interview. If there are any questions that you do not want to answer, you are not required to answer them. If there are any questions that you would like to answer “off the record,” inform the researcher that you would like to answer those questions “off the record,” and such responses will not be included in the researcher’s final reports.

WHAT POSSIBLE BENEFITS CAN I EXPECT FROM TAKING PART IN THIS STUDY?

There is no direct benefit to you for participating in this study. Participation may benefit the field of higher education and interest group lobbying education to better understand how and why groups lobby.

WILL I BE PAID FOR BEING IN THIS STUDY?

You will not be paid to participate. There are no costs to you for taking part in this study.

WHEN IS THE STUDY OVER? CAN I LEAVE THE STUDY BEFORE IT ENDS?

The study is over when you have completed the interview. However, you can leave the study at any time even if you haven’t finished.

PROTECTION OF YOUR CONFIDENTIALITY

Any electronic or digital information (including audio recordings) will be stored on a computer that is password protected. There will be no record matching your real name with your de-identified; the master list identifying subjects will be kept separate from the list of codes. Regulations require that research data be kept for at least three years.

HOW WILL THE RESULTS BE USED?

The results of this study will be published in journals and presented at academic conferences. Your name or any identifying information about you will not be published. This study is being conducted as part of the dissertation of the principal investigator.

CONSENT FOR AUDIO AND OR VIDEO RECORDING

Audio recording is part of this research study. You can choose whether to give permission to be recorded. If you decide that you don't wish to be recorded, you will still be able to participate in this study.

☐ I give my consent to be recorded ☐
Signature

☐ I do not consent to be recorded ☐
Signature

WHO MAY VIEW MY PARTICIPATION IN THIS STUDY

☐ I consent to allow written, video and/or audio taped materials viewed at an educational setting or at a conference outside of Teachers College ☐
Signature

☐ I do not consent to allow written, video and/or audio taped materials viewed outside of Teachers College Columbia University ☐
Signature

OPTIONAL CONSENT FOR FUTURE CONTACT

The investigator may wish to contact you in the future. Please initial the appropriate statements to indicate whether or not you give permission for future contact.

I give permission to be contacted in the future for research purposes:

Yes _

No _

Initial Initial

I give permission to be contacted in the future for information relating to this study:

Yes _

No _

Initial Initial

WHO CAN ANSWER MY QUESTIONS ABOUT THIS STUDY?

If you have any questions about taking part in this research study, you should contact the principal investigator, Matthew Camp, at 212-678-3427 or at camp@tc.edu

If you have questions or concerns about your rights as a research subject, you should contact the Institutional Review Board (IRB) (the human research ethics committee) at 212-678-4105 or email IRB@tc.edu. Or you can write to the IRB at Teachers College, Columbia University, 525 W. 120th Street, New York, NY 1002. The IRB is the committee that oversees human research protection for Teachers College, Columbia University.

PARTICIPANT 'S RIGHTS

- I have read and discussed the informed consent with the researcher. I have had ample opportunity to ask questions about the purposes, procedures, risks and benefits regarding this research study.
- I understand that my participation is voluntary. I may refuse to participate or withdraw participation at any time without penalty.
- The researcher may withdraw me from the research at his or her professional discretion.
- If, during the course of the study, significant new information that has been developed becomes available which may relate to my willingness to continue my participation, the investigator will provide this information to me.
- Any information derived from the research study that personally identifies me will not be voluntarily released or disclosed without my separate consent, except as specifically required by law.
- I should receive a copy of the Informed Consent document.

My signature means that I agree to participate in this study

Print name: _ Date: _

Signature: _